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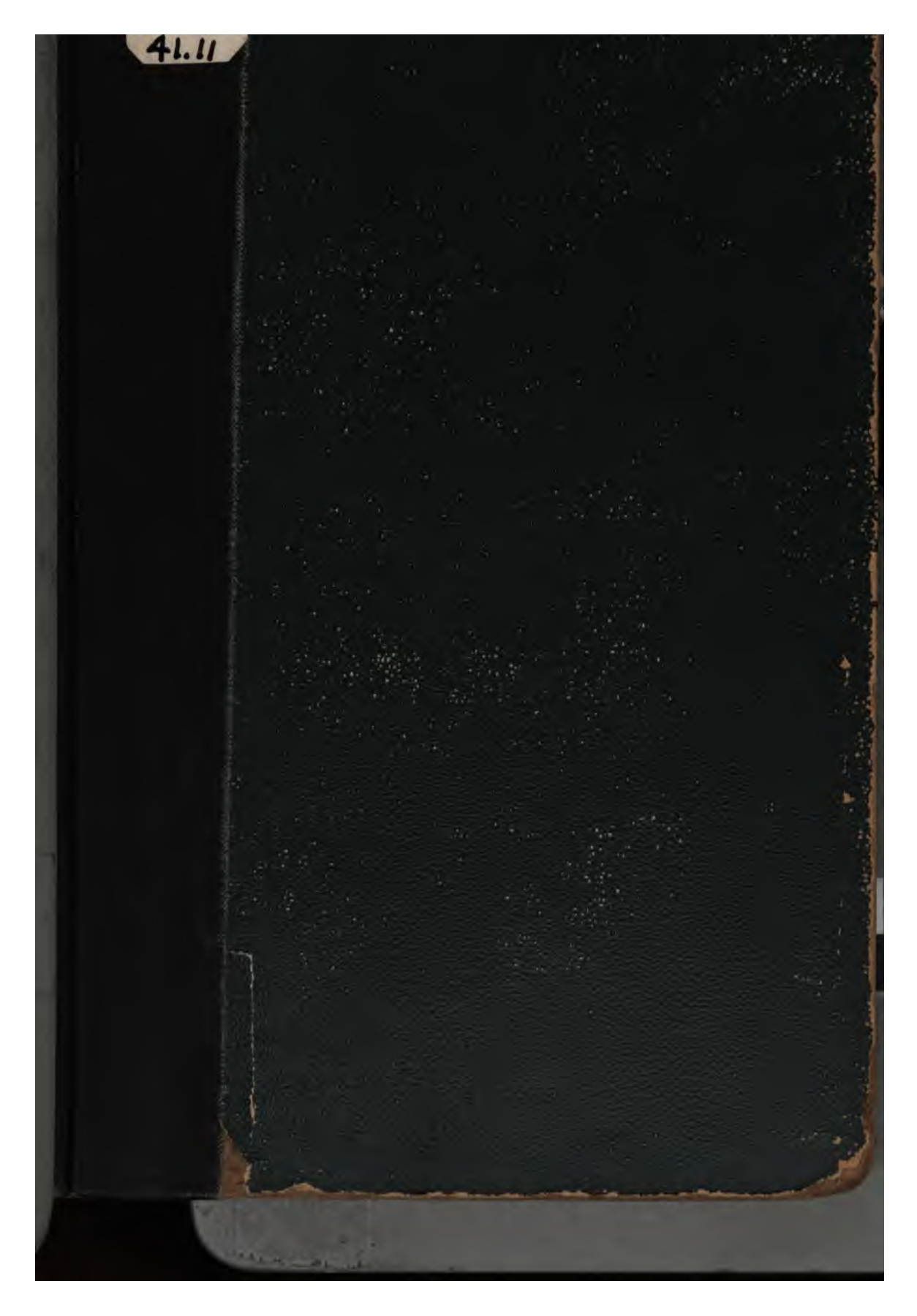
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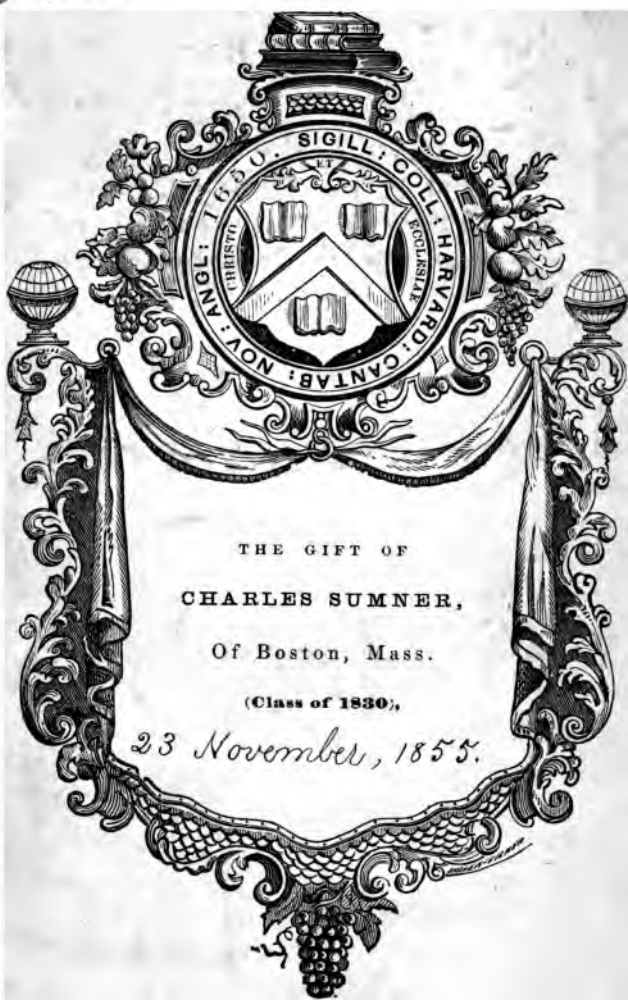
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"Our Houses are our Castles."

A

REVIEW

OF THE

PROCEEDINGS OF THE NUNNERY COMMITTEE,

OF THE

MASSACHUSETTS LEGISLATURE;

AND ESPECIALLY THEIR CONDUCT AND THAT OF THEIR ASSOCIATES
ON OCCASION OF THE VISIT TO THE

CATHOLIC SCHOOL IN ROXBURY,

MARCH 26, 1855.

BY CHARLES HALE.

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REVIEW.

I PROPOSE to review the proceedings of the "Nunnery Committee," so called, a committee of members of the Massachusetts Legislature, and especially their conduct and that of their companions on occasion of a visit to Roxbury on the twenty-sixth day of March in this year 1855. I do this for the purpose of ascertaining how far that conduct was countenanced by a due regard for the principles of social order upon which our free institutions rest; whether it was authorized by the Constitution and laws under which we live; and whether it was consistent with the behavior which should characterize gentlemen, members of the legislature, honorable senators and respectable representatives, at any time or in any place. It is true that the proceedings of this committee have gained a notoriety which is not likely to suffer them soon to be forgotten, and which prevents any attempt to conceal their true nature. But because the visit of the committee to Lowell which followed the visit to Roxbury was the occasion of behavior on the part of one of the committee more grossly indecent, there is some danger that the greater palpable outrage may so far engross public attention that the violation at Roxbury of the rights which are dearest to the citizen may be kept out of view.

In this review I shall have no occasion to depend on any facts except those so certainly proved as to be beyond doubt or question. In writing it I am animated by no hostile feelings against individuals. I have a public question to discuss, and no personal quarrel to fight in print. But if I shall seem in any case to speak harshly in mentioning names, it must be

recollected that I owe no kindness to the chief actors in these scenes. When the article in the Boston Daily Advertiser, which first called public attention to the subject, appeared, the Honorable Joseph E. Carpenter of Foxborough, after reading the narrative portion to the Senate, took upon himself to pronounce it "an unmitigated libel." It has since been proved by evidence before committees of the legislature that the article was substantially true: parts of it were certainly true: and none of it was libellous. The same day, on the floor of the House of Representatives, John Littlefield, also from the town of Foxborough, the Chairman on the part of the House of the nunnery committee, but who was not present on occasion of the Roxbury visit, and who might accordingly have been expected to speak with some care; Mr. Littlefield, after reading the article to the House, remarked that "he had no hesitation in saying that there was no truth in it whatever." It is useless to refute so broad an assertion as this: there were many statements in the article of unquestionable truth; all of it has been proved to be substantially true. William B. May of Roxbury, another member of the House, likewise took the same occasion to say that the article was "false from beginning to end;" a most unfortunate expression, for the beginning and end were both the enunciation of truths universally recognized.

The same Constitution which guarantees the Freedom of the Press guarantees freedom of debate in the legislature. The same Constitution which these gentlemen and their associates have so markedly ignored, guarantees to members of the legislature that they shall not, by "any accusation or prosecution, action or complaint," be called to an account for what they say in debate on the floor of the legislature. That guaranty of the Constitution these gentlemen may thank. I do not know what value they set upon their word; but it appears strange that they should have ventured it so recklessly on so dangerous a sea. They ventured, and were shipwrecked. The statements which they branded as unqualifiedly false, have been proved before all men to be substantially true. Those statements were made in an article carefully written by me. My reputation and the reputation of the Boston Daily Adver-

tiser for truth are as dear to me as the reputation of any honorable Senator can be to him—vastly dearer, if I may judge from the small value the honorable Senator set upon his reputation in this case. But I shall not retort in kind on those who called my veracity in question. It is enough for me that they have been so signally foiled, and that their attacks recoiled so disastrously upon themselves. In these pages I shall give them full credit in all cases where their statements have not been controverted by independent testimony of a conclusive and indisputable nature.

By way of preliminary, a few words on the recent history of State politics in Massachusetts appear necessary.

At the State election in Massachusetts in the fall of the year 1850, the Whig party, which with two brief intervals of a single year each had held uninterrupted sway in the State for a quarter of a century, was routed. Under this sway, thus brought to an end, the State had certainly prospered. The Whigs doubtless committed some mistakes, in the judgment of a portion of the people; but their mistakes were caused by caution rather than rashness. They ventured on few doubtful experiments in legislation. Their Governors, from the year 1825 to 1851, had been Levi Lincoln, John Davis, Edward Everett and George N. Briggs, whose terms of office, renewed by annual elections, averaged six years each. They had sent to the Senate of the United States Daniel Webster, Nathaniel Silsbee, Isaac C. Bates, Rufus Choate, John Davis, Robert C. Winthrop. These names certainly do not suffer in comparison with those that have succeeded them.

The rout of the Whig party at the polls in 1850 was accomplished not by a single superior force, but by the union of two parties, entirely antagonistic to each other in their principles, but who united their votes avowedly for the purpose of dividing the offices among themselves. They elected George S. Boutwell Governor, and Charles Sumner to the United States Senate. The same organization prevailed at the next State election, and Mr. Boutwell was continued in the Governor's Chair through the year 1852.

At the election in November 1852, however, the Whigs so far prevailed over the combined opposition as to secure a majority in the legislature, upon which body for several years had devolved the choice of Governor in default of any election by a majority of the votes of the people—and John H. Clifford, a sterling Whig, was chosen Governor for the year 1853. Edward Everett was chosen to the United States Senate, but resigned June 1, 1854. Meanwhile the coalition parties had already arranged for a Convention of Delegates to convene in the summer of 1853 for the revision and amendment of the Constitution, and at the elections in March they secured a large majority of the delegates. The Convention assembled in May, and sat through the three months of May, June and July, maturing a thorough and complete change in the fundamental law of the Commonwealth. Their work was submitted to the people at the State election in November, 1853, and the whole of it was rejected.

At the same election the Whigs maintained and largely increased their power of the preceding year. There was no choice of Governor by the people, nor had there been any for several years previously;—but the Whig candidate, Emory Washburn, had sixty thousand votes out of one hundred and thirty thousand, and he was elected Governor by the legislature. Henry Wilson, who had been a leading member of the Convention for the Revision of the Constitution, and who was largely identified with the proposed amendments to that instrument, had but thirty thousand votes. He was really the competing candidate, as he would have been put in the Governor's chair in the event of the success of the Coalition. Judge Bishop, who received the thirty-six thousand votes cast by the Democratic party, would not in any case have left his secure seat on the bench for the fleeting honor of a single year's occupancy of the Executive Chair.

This brings us to the election of 1854, when an entire revolution took place. The old parties had their candidates in the field, the same as the preceding year, Emory Washburn, Henry W. Bishop and Henry Wilson; but they were all distanced by a new secret organization which elected its candidate for Governor, Henry J. Gardner, by a large majority of the votes of

the people,—secured the whole of the Senate, and with the exception of four seats, the whole of the House of Representatives. So complete a triumph was scarcely ever known before. The members of the new organization had been known as “Know-Nothings;” but in the pride of victory and power they claimed the more ambitious name of “the American party.”

It is not my purpose to undertake to point out the reasons for this revolution. It may have sprung wholly from honest causes, it may have been due to corrupt combinations among leaders. The causes are remote and hidden and may never be certainly known.

But the results are clear and certain—and it is well worth while to examine these, with a view to ascertaining whether the people of Massachusetts have gained what they expected; whether the new administration is really sounder and better than the old. It is difficult to scan the hidden motives of men; but their acts cannot be concealed from the observing. By their fruits we may know them.

One of the earliest acts of the legislature was to give the seat in the Senate of the United States to Henry Wilson, who had been avowedly a competitor with Henry J. Gardner for the Governor's Chair.

The new party, as has been stated, had secured entire supremacy in both houses of the legislature. In the Senate, all forty seats were filled by know-nothings. In the House, of three hundred and seventy-nine members, all except three or four were likewise know-nothings. Nor were these gentlemen trammelled by opinions of State policy previously expressed under different circumstances, which might in any degree fetter the freedom of their action. Of the forty Senators, not one had ever occupied a seat in the Senate before. Ten out of the forty had previously been members of the lower House; thirty began their public life by their entrance at the cabin windows of the Senate Chamber. In the House of Representatives there was an equal freedom from any former associations. Of the three hundred and seventy-nine Representatives, but thirty-four had occupied a seat on the floor, one or more years previously; the remainder, numbering

three hundred and forty-five, or more than nine-tenths of the whole number, had never served in that capacity before. The President of the Senate was chosen from among those Senators who had had experience in the lower House. The Speaker of the House, whose difficult task it is to preside over the deliberations of one of the largest legislative assemblies in the world, was a clergyman with no political experience whatever. It is but just to add that he has thus far discharged his task (and we all hope the session is near its close) with signal success.

A body thus composed of new men, fresh from the people, unaccustomed to the chicaneries and corruptions of public life, and elected without the aid of any of the old political organizations, might be expected to be free from any vices which may have disfigured former legislatures—to have been pure and honest—going about its business in a manly, straight-forward way—turning a deaf ear to idle tales—having a single eye to the practical welfare of the State—avoiding abstractions, and devoting itself with assiduity to the despatch of the public business.

The Governor, in his inaugural address, and the presiding officers of each House in their opening speeches, all concurred in promising a short session—a short session, the greatest boon the wisest legislature can confer upon the people. It is now almost certain that the session will be the longest that has ever been known in the history of Massachusetts.

We expected a cheap administration. It is already certain that a tax, probably the largest which has ever been laid in Massachusetts, will be necessary to meet the liabilities of the present year. State taxes had become obsolete during the Whig administration; the indirect sources of revenue, chiefly the compensation exacted from the banks in return for the privilege of issuing bills, had been found sufficient, under a careful and economical administration of affairs, to meet the necessary expenses of the State. The extraordinary demand upon the Treasury, caused in a considerable degree by extravagances within late years, especially the expense of the Convention of 1853 for the Revision of the Constitution, necessitated the levying of a State Tax of three hundred

thousand dollars in 1853, and again in 1854. This year more than half a million of dollars are actually required, but the legislature proposes a tax of four hundred and fifty thousand dollars, leaving a deficit to be provided for in the following year.

Thus much for general considerations. Let us now look at the proceedings of the legislature regarding a single particular subject.

As early in the session as the 22d of January, a petition was presented in the House of Representatives from sundry citizens of the town of Foxborough, praying for the enactment of such a law as would bring under the inspection of the civil authorities all such institutions as "convents, nunneries, or by whatever name they may be designated." I mention the name of the town in which these petitioners reside—Foxborough—because, as will be observed, gentlemen from that town appear to have a singular sensitiveness on this subject.

The right of petition is so freely allowed in the Massachusetts legislature, that it is the custom to receive petitions on all sorts of subjects, even those relating to impossible or obviously inexpedient matters of legislation, and sometimes matters over which the legislature has no control. This practice has grown up in respect to the rights of the people, and because it is the easiest way of disposing of such papers to receive them and refer them to a committee. The committee can better examine their contents than the House, and if they are found to be idle and useless, it is only necessary to make an adverse report, which will generally be silently accepted. If, on the other hand, any objection were to be made to the reception of the petition, however foolish in substance, a debate would be precipitated on the subject which would almost necessarily be unprofitable.

It is not therefore surprising that this petition from Foxborough should have been received and referred; although it is now very clear to everybody that the most cursory inspection of its substance must at once have brought the legislature to precisely the conclusion to which they have at last come

after a vast expenditure of trouble and treasure. The prayer of the petitioners was that such a law should be enacted as would bring certain institutions in the State "under the inspection of the civil authorities." The purport of this prayer depends upon the meaning of the word "inspection." If the word be used in a general sense, then the institutions already are under the inspection of the civil authorities as well as houses, stores, barns, fields, roads, trees, crops, and everything else in the State. There is no part of the territory of Massachusetts, there is nothing located upon that territory, which is exempt from the inspection of the civil authorities, unless it be a few rocks granted to the United States government as sites for light-houses; and over these the State retains a concurrent jurisdiction with the national government.

If, on the other hand, the word "inspection" means the right to enter private houses without the consent of the owners and occupants,—then the petitioners prayed for what the legislature had neither right nor power to grant, as the petitioners and the legislature both ought to have known. The language of the Bill of Rights (which we shall have occasion to quote in a subsequent part of this paper) is distinct upon this point.

The truth is, as would have been observed on a moment's consideration, that Massachusetts has not existed two hundred and thirty-five years as colony, province and State, with a gap in her laws relating to personal liberty so wide as these petitioners professed to suppose, and one that the present legislature must needs be called upon to fill. If there were any grounds for the apprehensions entertained by these petitioners, and too easily shared by members of the legislature, with regard to unwilling residence in the institutions which they call nunneries or convents, there would be a quicker and a surer remedy than petitioning a know-nothing legislature for a new law. The writ of habeas corpus, although Massachusetts imported it from mother England where it was born two centuries ago, would be a potent and an infallible remedy.

Properly speaking there are no nunneries or convents in

Massachusetts. There are a few schools kept by "sisters of charity," or sisters of other similar orders. None of these are so near Foxborough that the people of that town have any particular facilities for knowing their character. They may call them "convents" and they may call the sisters "nuns," if they choose; but the name does not make the thing. There is this very important difference which the rest of mankind outside Foxborough may choose to regard. "Nuns" in "convents" are bound, by the vows or oaths which they have assumed, to continue a certain mode of life during the rest of their existence. These vows are probably not very different from the obligations which know-nothings assume on entering a lodge. The "sisters" in the "schools" have undertaken no obligations of any kind, other than the engagement of any teachers to fulfil the duties of education.

Now, even a nun, bound by the strictest vow, could not be *lawfully* detained without her own consent in a convent or in any other place in Massachusetts for a single moment, as the laws now stand, and as they have stood here long before anybody now living in Foxborough was born. In some Catholic countries, the laws of the country give validity and permanency to the vows of nuns. In those countries such vows once assumed are irrevocable. No such law as that holds here—whatever may have been the nature of the obligation, its observance rests only between the party who has assumed it and her conscience. No law of the State enforces its fulfilment. And if any man or body of men seeks, in defiance of the laws of the State, to enforce its fulfilment by detaining the party in any place against her own free will and consent, that same glorious old process of the habeas corpus holds; the whole civil power of the State intervenes to cause reason to be shown for such detention. And there proving to be no lawful reason, the party must of necessity be discharged.

While thus groundless are any apprehensions with regard to the compulsory detention of nuns in convents, how much less reasonable are any apprehensions with regard to the residence in these few schools in Massachusetts of sisters of charity who have not even assumed any vows; who devote themselves to

the duties of instruction of their own free will and pleasure; and who come and go as they like, subject only to the reasonable rules which their own regard for discipline establishes. That this is the nature of the employment of the sisters in the institutions which the Foxborough petitioners choose to call "nunneries" or "convents," was conclusively proved beyond all doubt or question by the very committee which was appointed to consider their petition.

I have said that it was scarcely surprising that the House received this petition, notwithstanding the most cursory attention bestowed upon its prayer must have shown, as has since proved to be the case, that no legislation was necessary on the subject; because it has become usual to receive all petitions, and refer them to some committee. It certainly does appear strange, however, that the House should have at once agreed to the motion of the member from Foxborough who presented the petition, for its reference to a joint *special* committee. The motion for this reference prevailed without a word of dissent, and the members of the special committee on the part of the House were named by the Speaker the same day. This was the famous NUNNERY COMMITTEE. The members on the part of the House were as follows: John Littlefield of Foxborough, Joseph Hiss of Boston, Nathan King of Middleborough, Joseph H. Lapham of Sandwich, and Stephen Emery of Orange.

The petition came up in the Senate the next day, with other papers from the House, for concurrence in its reference. The Senate, as became the upper House, exhibited less zeal in listening to the idle fears which had alarmed Foxborough. The reference however was agreed to, and the President named Messrs. David K. Hitchcock of Newton, and Gilbert Pillsbury of Ludlow, as the members on the part of the Senate. Mr. Hitchcock however declined serving, and Mr. Alvan G. Underwood of Oxford, was appointed in his place. Mr. Underwood likewise declined the disagreeable duty, and the President then fixed upon Mr. Streeter Evans of Salisbury, who thus became the chairman on the part of the Senate.

These resignations are significant, as showing the temper of honorable Senators with regard to the matter.*

The number of the committee was thus completed; seven members, two senators and five representatives; all new members, this their first legislative year. There were few others in the legislature it is true; but these few were too "old chickens" to be caught by such chaff as the Foxborough petition; and the privilege of burning their fingers for the amusement of the public was readily resigned to these seven fresh, uncorrupt, new patriots.

This special committee was raised to consider the prayer of the Foxborough petitioners. At an earlier period in the session, on the very first day, indeed, after the delivery of the inaugural address by His Excellency the Governor, an order had been introduced instructing the Standing Committee on the Judiciary to consider the expediency of a bill for the inspection of certain institutions. As soon as the special committee was raised, the Committee on the Judiciary asked to be discharged from the consideration of this order, and proposed that it be referred to the special committee, which was done. As he has since become somewhat famous in connexion with this affair, I do not think that I should do right to conceal the name of the member who was so eager for these examinations,—the mover of this order in the early days of the session. It was Mr. Joseph Hiss of Boston.

The special committee was raised on the 22d of January. We next hear of them publicly on the 15th of February. Meanwhile, as their final report states, several gentlemen had appeared before the committee and given evidence. It would

* Another evidence of the same disposition with regard to the subject, on the part of a member of the House of Representatives, may be found in the testimony of Mr. Samuel A. Waters, of Lowell, at the last examination. He testified as follows:—

"I am a member of the House of Representatives from the city of Lowell. I am acquainted with Mr. Hiss. He went to Lowell on the 29th of March, at the time the nunnery committee went. I happened to be in the cars with them. We went in the 21-2 o'clock train. . . . After we arrived, Dr. Burnham asked me if I would accompany the committee to the Washington House and introduce them there, and show them such attentions as I could, as he was engaged. I said I would gladly do so, but I did not wish to be mixed up with the nunnery committee, as I had opposed its appointment, and I wished to have nothing to do with it."

be highly satisfactory to the community to know what that evidence was, and whether it was worth attention. It may have been and probably was only idle tales. Otherwise it is difficult to see why the committee should not make it public. If from direct testimony, sworn to by responsible persons before them, they had good grounds for the belief that there were abuses in these schools demanding legislative interference, the publication of that evidence would go far, very far, to justify their proceedings in the public mind.

The committee however have resolutely refused to state this evidence, and the inference is accordingly unavoidable that it was of so slight a nature as by no means to deserve the serious attention which they saw fit to bestow upon it. During the subsequent investigation, Mr. Littlefield, the Chairman on the part of the House, was directly asked what evidence of abuses alleged to exist at the Roxbury school was in the possession of the committee and induced them to make the famous visit? He declined to answer; his committee, he said, would report to the legislature and not to Mr. Hale, who had asked the question. This first committee of inquiry in their report complained of the want of information as to the evidence upon which the nunnery committee based their proceedings: it appeared to them probable that general rumors and statements were the ground of proceeding: but the point would be cleared up (the committee of inquiry suggested) when the final report of the nunnery committee appeared.

The final report of the nunnery committee has since appeared, and it leaves the world equally in the dark. All that is said of the evidence is contained in these few words: "several gentlemen appeared and very strong representations were made derogatory to the good character of these institutions. All the testimony was of the same general tenor." But what the evidence was, we are not told.

There is however one indication of the probable nature of this evidence, which, in addition to the pertinacious effort of the committee to conceal it, tends to prove its utter worthlessness. Mr. William B. May, a member of the House of Representatives from the city of Roxbury, and one of the party

who visited the Roxbury school in company with the nunnery committee, although not one of its members, testified before the committee of inquiry that he had a particular private reason for wishing to join the party. When pressed to state what this reason was, he said, on oath, that a sister of his was an inmate of a similar institution at Emmetsburg in Maryland; that he had reason to believe that she was detained there against her will and that he was not allowed to visit her. He has since denied that he made oath that he had reason to believe she was detained against her will, but there is no doubt that he did make the statement. There were a number of persons present who listened carefully to what he said, and made note of what they heard. The alarm of this gentleman was wholly groundless as he subsequently learned. He has since visited his sister at Emmetsburg; no objection whatever was made to his seeing her; she was not detained there against her will; she had no wish to leave the place; and the reason why he had never seen her before was because he had never tried to do so. He had never been denied access to her. In point of fact she came by her Catholicism more naturally than he by his opposition to her religion, and she thinks she finds a happier home where she now is than would be likely to be the case elsewhere.

It was doubtless some such evidence as this, perhaps this very evidence, that operated on the minds of the committee.

On the 15th of February, the committee thinking from the evidence before them, whatever it was, that it was necessary that they should obtain authentic information, and proposing as a means thereto to personally visit certain institutions, reported the following order, which was speedily adopted without objection by both Houses of the legislature:—

Ordered, That the Joint Special Committee on the inspection of Nunneries and Convents, be authorized and instructed to visit and examine such Theological Seminaries, Boarding Schools, Academies, Nunneries, Convents and other institutions of a like character, as they may deem necessary, to enable them to make a final report on the subject committed to their consideration.

The order went through as a matter of form. There was little consideration on the part of the members of the legisla-

ture as to the nature and extent of the powers they were granting. The committee assumed that they got what they asked for.

Before considering what really were the powers conferred by the order, it may be well to see how the committee interpreted them by their action.

They first visited the Catholic College at Worcester; then the School at Roxbury, on the 26th of March, and then the School at Lowell on the 29th of March. Other visits had been planned and would have been made, had not the public attention been called to the subject by an article in the Daily Advertiser of the 31st of March, which stopped the operations of the committee and spoiled their fun.

The Worcester expedition, by general consent, has been made the occasion of no "investigation" and little comment. This is not because it is certain that it was carried through properly, but because the subsequent visits vastly exceeded it in grossly improper behavior. The three visits seem to have demanded the appellations respectively of *bad*, *worse*, *worst*,—and if the fun had been allowed to continue we should have been obliged to invent new degrees of comparison in order to characterize properly the sequel. The Worcester papers have thrown out hints of improprieties there, but nobody has undertaken to follow them up. All that is certainly known of the expedition is the fact that it cost the State Treasury ninety-nine dollars and ninety cents; although the Boston and Worcester Rail Road Corporation—with a tenderness for the exhausted finances of the State which in a soulless corporation ought to make our whole-souled legislators blush,—only charged half-price to the members of the legislature, so that the necessary expense of a committee of seven in going to and returning from Worcester, with a fair allowance for dinner and hack hire, need not have exceeded twelve dollars. It is clear that eighty-eight dollars were spent in some sort of unnecessary amusement.

Next came the visit to the School at Roxbury. This establishment is kept in an ordinary house, situated upon the Dedham turnpike, in Roxbury, just beyond Oak street. The spot

possesses considerable natural beauty: the house is an old one and badly out of repair. The girl who could not escape from its weak fastenings, if any attempt should be made to confine her there, would scarce deserve her freedom. The house is situated upon an open piece of land, surrounded by a low stone wall that a child could climb. There is also a wide gate-way, and the gate, a fragile structure, is always open. The inmates of the establishment are seven sisters of the Catholic order of Notre Dame, and their pupils, twelve young ladies about the ages of twelve or fifteen. These form the entire household, and, together with an Irishman who occupies another tenement separated from the principal building, are the only occupants of the place. Gentlemen residing in the vicinity give them the highest character as quiet and orderly neighbors. Nothing has ever happened to cause any sort of suspicion to attach to the house. Even the Chairman of the nunnery committee did not pretend that any particular suspicion pointed to that house: it only had its share of the idle tales against "convents" which had frightened Foxborough, and which had weighed so heavily in the minds of the committee.

The character of the inmates of this dwelling is above suspicion of reproach. The pupils are daughters of respectable parents; their teachers are ladies of education, cultivation and refinement.

No notice was given by the committee of their intended visit. Their dinner at the neighboring hotel was bespoke two or three days beforehand: they must be sure of no disappointment in *that*. At about eleven o'clock on Monday morning, March 26th, the party started from the State House in Boston, in two of Messrs. Forristall and Parmelee's omnibuses. The committee, as we have seen, numbered seven. Mr. Littlefield was absent on this occasion, but Foxborough was represented by her trusty son who sits in the Senate, the Honorable Joseph E. Carpenter. One other member of the committee, Mr. Lapham of Sandwich, was also absent, and, for the credit of his reputation, took an early opportunity to inform his constituents, through the columns of his local paper, that he had no partici-

pation in the proceedings of the occasion. The number of members of the committee was five.

The committee had previously voted that its members might invite their friends to join the party. So far as appeared by the evidence subsequently brought out, no invitations were given except by Mr. Hiss, and by Mr. May of Roxbury, whose own visit was dictated by his sororial affection, and to whom Mr. Hiss had delegated a plenary power of invitation. The power, original and delegated, was so assiduously exercised that the party was multiplied to three or four times the size of the committee. The precise number cannot be certainly ascertained. The ladies at the school judged that it must be twenty-four, from the fact that the two omnibuses appeared both to be filled. In the subsequent debate on the floor of the House the number was confidently stated as sixteen, and several witnesses swore that this was *about* the number. It came out in evidence, however, that nineteen were present at the dinner which followed the visit; and at least two of the gentlemen who visited the school did not attend the dinner; so that it appears probable that the original estimate of the ladies was about right.

Whatever may have been the exact number, however, it is clear that the original committee was wholly sunk in the mass of visitors. If anything had been proposed with the formality of a vote, the five members of the committee would have been out-voted, at least two to one, by the supernumeraries. The party ceased to be a committee, and assumed the character of a mob or accidental collection of individuals. Some of them were not even members of the legislature.

The visitors arrived at the house at about half past eleven o'clock, and alighted from their capacious vehicles. One of the number having rung the door bell, the door was opened by the portress, and the whole party entered.

All this is a statement of facts which nobody pretends to deny; it is proved by the voluntary testimony of gentlemen in debate, on the floor of the legislature, on the 31st of March, and by their testimony under oath before the committees.

There is no doubt, no pretext for doubting, that five members of the committee, accompanied by double or treble their own number of invited guests, including some individuals not members of the legislature, entered this house in Roxbury, on the 26th of March. Their entrance into the house was a grossly unauthorized and unwarrantable proceeding—against law, against the Constitution, against the most simple principles of right. Its character in this respect would have been unaltered, had there been no ground of complaint at the subsequent behavior of the visitors. The improprieties of which they were afterwards guilty aggravated their offence, but these improprieties were by no means the whole or the chief part of the offence. The indignation and the ridicule which justly attach to those improprieties, have tended to attract more of the public attention to them than to the primal offence of the unjustifiable entrance of the house; and it is on that account that I beg the attention of the reader to a few pages, in which the nature of that offence is considered.

We claim to be a free people. Our government is established for the good of the governed, and by their consent. For the sake of preserving public order and domestic tranquillity, each individual in the community is willing to give up a part of his liberty for the good of the whole. He is willing to submit to the operation of general laws, in framing which he has a voice. But for this purpose he gives up *as little as possible* of his liberty. The largest part he retains to himself. Among the things which he retains, is *the control over his own doings in his own house*. This is allowed to be retained, because it is not necessary for the common good that it should be otherwise. Government has enough to do to take care of what happens out doors. Into the privacy of homes, government does not undertake to intrude. "Our houses are our castles."

The same thing appears in another point of view. The whole system of the institutions which have made Massachusetts what she is, is pervaded to its very core with a jealousy of delegated powers. All power resides originally in the people: and they put as little as possible out of their reach.

The States have conceded to the general government as few powers as possible: by far the largest part of the attributes of sovereignty, so far at least as the domestic condition of the inhabitants is concerned, is reserved to the State governments.

The people of Massachusetts, as is well known, were with difficulty persuaded to agree to live under the Constitution of the United States. The Convention of Delegates which assembled in Boston to consider the subject, would never have voted to assent to that instrument, but for the proposed addition of certain amendments. Objections were also made and amendments were proposed in other States. Among the articles which were added to the Constitution immediately after its adoption, as amendments, in order to make it more acceptable and satisfactory to the people, was an enunciation of this very doctrine, that "our houses are our castles;" the assertion of the right of the people to be secure in their persons and houses, against unreasonable searches and seizures, and the prohibition of the issuing of any warrant except on probable cause, supported by oath, and particularly describing the place to be searched and the persons or things to be seized.

Not only does the State reserve by far the largest share of the attributes of sovereignty, so far as domestic affairs are concerned, and refuse giving control over them to the national government; but it is a peculiar feature of our institutions that even the State government allows a very large share of the management of local concerns to the town governments, those "little republics," pure democracies, where questions are debated and decided by the people themselves, without the interposition of representatives or delegates. Thus we see that the whole theory of our institutions is pervaded with this jealousy of granting power: the individual retains as much as he can of liberty to himself; in his house, which is his castle, he reigns supreme. The towns manage their concerns as far as practicable by themselves, and their taxes, their schools, their highways, and all town affairs are controlled according to their own votes, without let or hindrance from the State government. The State government likewise has free range within a sphere unrestrained by the national government, except at a

few points. The States may not declare war, or coin money; but in all that concerns the administration of justice within their own limits, banking, insolvency, and a thousand other things, the sovereignty of the State is ample and unlimited.

I know an intelligent man now living in Boston, who did not know, ten days since, the name of the present Governor of Massachusetts, and I doubt whether he knows the name of the present President of the United States. With their eyes and ears shut, half the population in an inland town would never know the existence of a national government, a State government, a Congress or a legislature; much less would they know of their proceedings. Nothing happening to themselves, or affecting their present condition, would inform them. But as soon as nineteen men appear at the door of a house and march in, the inmates are awakened to the sense of what government is. Such an entrance into a house occupied by persons against whom no crime is alleged, is a most unwarrantable intrusion—an offence not only against courtesy, but against the laws.

The individual citizen parts with a portion of his liberty for the good of the whole, and is willing to submit to the operation of *general* laws, in making which he has a voice. But there is no reason why he should be willing to submit to an arbitrary *special* inquisition directed against himself, or against a class or collection of individuals, of which he is a member. This is against reason, and against law. The Declaration of Independence begins with the enunciation of the eternal truth, that all men are created equal. Their equality under the government can only be observed by a like treatment of all classes and conditions, by the constituted authorities. Especially is any difference in the general treatment made to the prejudice of any religious denomination, entirely abhorrent to the theory of our government, and to the rights of the people.

Now, although the "order" already cited, which was passed by the two Houses of the legislature at the instance of the nunnery committee, uses general and comprehensive language, and speaks of "theological seminaries, boarding schools, academies, nunneries, convents and other institutions of a like

character"—a use of language which, so far as it conferred any authority at all, would have authorized the visitation of at least a thousand private houses in the State,—although this language was thus general and comprehensive, it is perfectly well known that the school at Roxbury, as well as the college at Worcester and the school at Lowell, the only places which the committee visited, was visited *because it is a Catholic institution*, and otherwise would have been neglected by the committee, as they neglected hundreds of schools not more distant from the State House, and equally coming under the definition of their order. This selection of Catholic schools as the sole objects of examination and search, was an unjust and arbitrary exercise of power.

Why did not the committee visit at least one Protestant institution? Why did they not look at at least one theological seminary, boarding school, or academy, kept by Protestant gentlemen or ladies? Let the reader imagine what would have been the effect of their most decorous attempt to do something of the sort. Let him imagine the entrance, unheralded and unbidden, of nineteen men into some small house in the country, where the clergyman's wife, a Protestant, has assembled around her a dozen girls to learn whatever she can teach them. Imagine even the entrance of such a party into some of the larger institutions for the education of young ladies, such as the Mount Holyoke Female Seminary, or the Pittsfield Young Ladies' Institute, in which, as in all properly conducted schools, there are reasonable regulations concerning the admission of visitors. Imagine such a visit! The thing is impossible. Bold is Pillsbury, rash is Littlefield, unblushing is Hiss,—but they would not be members of a party of nineteen in such an attack as this.

There are hundreds of illustrations of these principles which I might adduce, but I must content myself with a single one. Let me point the attention of this great organization, which claims to be, *par excellence*, "the AMERICAN party," and professes a peculiar veneration for the great men of the Revolution; let me point their attention to that great argument in which James Otis successfully disputed the "writs of assist-

ance." It may not be amiss to tell a know-nothing* what was the nature of one of these "writs of assistance." There were loud complaints of smuggling; and the custom-house officers applied to the court to grant writs of assistance in accordance with the English Exchequer practice. These writs gave the officer a general authority to search *anywhere* for smuggled goods, and to call in the aid of others to assist in the search. James Otis was an advocate of the Admiralty, and in that capacity bound to argue for the issue of these

* See Tudor's Life of Otis, 52; Minot's History, ii. 91; Webster's Works, i. 121; John Adams's Works, ii. 124, 521; Hildreth's History, ii. 499. The writs were secretly granted, but they were so excessively unpopular as to be seldom used. The facts ought to be known by every true American.

I should be glad to reprint the whole of James Otis's splendid argument, of which fortunately John Adams, then aged twenty-five, took notes at the time. Otis said, "This writ is against the fundamental principles of law. . . . *A man who is quiet, is as secure in his house, as a prince in his castle.* . . . But, for flagrant crimes and in cases of great public necessity, the privilege may be infringed on. For felonies, an officer may break, *upon process and oath*, that is, *by special warrant to search such a house, sworn to be suspected, and good grounds of suspicion appearing.*" These detached sentences are taken from the notes, still existing, which Adams wrote as he heard Otis. Adams afterwards wrote out the speech, and the following sentences are quoted from it:—

"In the first place, may it please your Honors, I will admit that writs of one kind may be legal; that is, *special writs* directed to *special officers*, and to search *certain houses, &c., specially set forth in the writ*, may be granted by the Court of Exchequer at home, *upon oath* made before the Lord Treasurer by the person who asks it, that he suspects such goods to be concealed in *those very places* he desires to search. . . .

"Your honors will find in the old books concerning the office of a justice of the peace, precedents of general warrants to search suspected houses. But in more modern books you will find only *special warrants* to search *such-and-such suspected houses, specially named*, in which the complainant has before sworn that he suspects his goods are concealed; and you will find it adjudged that *special warrants only are legal*. In the same manner I rely on it, that the writ prayed for in this petition, *being general, is illegal.* . . .

"Now one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. . . . *Bare suspicion without oath* is sufficient [by the writ]. The wanton exercise of this power is not a chimerical suggestion of the brain. I will mention some facts. . . .

"Thus reason and the Constitution are both against this writ. Let us see what authority there is for it. Not more than one instance can be found of it in all our law books; AND THAT WAS IN THE ZENITH OF ARBITRARY POWER, NAMELY, IN THE REIGN OF CHARLES II., WHEN STAR-CHAMBER POWERS WERE PUSHED TO EXTREMITY BY SOME IGNORANT CLERK OF THE EXCHEQUER."

Another instance has been added. We have reached another "*zenith of arbitrary power*" in these days of Harry Gardner the First. "*Star-chamber powers*"! The powers of the secret inquisitions of the supreme order of the star-spangled banner. "*Pushed to extremity by some ignorant clerk*"! Know-nothing members of a know-nothing legislature.

Does the world repeat itself? Have we made no progress in an hundred years?

writs. Rather than do so, he resigned his office, and in behalf of the merchants of Boston, argued the case on broad grounds of natural right. He contended that there was gross injustice in conferring such general authority. He did not deny the right to search for smuggled goods *in any particular locality* where there might be reasonable ground to believe they were hid. But he most unqualifiedly denied the right to authorize *a general search*, merely on a vague suspicion that something was wrong somewhere. This was the beginning of James Otis's public life. He thus spoke in the old Town House in Boston, in February, 1761. "Then and there," in the splendid language of John Adams, alluding to this very argument, "then and there, the child Independence was born."

This was before the doctrine had become familiar; before it had been reduced to writing in the Constitution. Nearly one hundred years later, our American legislature, on a vague general suspicion that something is wrong about them, but without a particle of evidence regarding any particular school, authorizes a general examination of all in the State! "Writs of assistance," denied in 1761, are renewed in 1855! "Then and there"—ninety-five years ago—"the child Independence was born." The child grew and prospered; but now, "the American party" in the Massachusetts Legislature seek his death!

Thus far I have considered the gross impropriety of the entrance of nineteen men into a private house, where their presence was neither expected nor desired, by the light of those general principles of private right and public justice, the recognition of which distinguishes America as a free country. I now beg attention to the precise and specific provisions restraining the powers of the legislature, which form a part of our written fundamental law.

No man can ever read the Bill of Rights, which forms the first part of the Constitution of our good old Commonwealth of Massachusetts, without admiration at the elegance, distinctness, and quiet force of the language in which are laid down the fundamental principles of our institutions. Here is the fourteenth article,—precisely as it came from the burning pen of John

Adams, and was adopted by sub-committee, general committee, convention, and people; untouched by revision; no man has ever proposed to alter the article, no man has ever doubted its wisdom or its soundness:—*

“ Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.”

The provision in the Constitution of the United States, the origin of which has already been noticed, is of the same purport. It is the fourth article of the amendments, viz.:—

“ The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Not even the legislature therefore can authorize a search, except by a warrant, based upon an oath or affirmation; in which the place to be searched must be particularly designated, as well as the thing which it is supposed will be found. This can only be done, moreover, in cases and with the formalities prescribed by the laws.

* A technical objection may be made to this statement. John Adams wrote the article, “ Every man has a right,” &c. The word “man” was changed to “subject” before the adoption of the Constitution by the people. No other change has been made, and none has ever been proposed. This change was unimportant, yet it is a little singular that its only significance was to make it more certain that the immunity from unreasonable searches should be enjoyed by defenceless women and children, like those at Roxbury; “subjects” of the government, although not men. See John Adams’s Works, iv. 226.

The Constitution is the supreme law of the land, and its provisions are binding upon all citizens. The rights it guarantees may be enjoyed by all. The restraints it imposes fall upon all. Nobody can plead ignorance. Those who know nothing else, must at least know this. The members of the legislature before taking their seats all took a solemn oath to support the Constitution of Massachusetts and the Constitution of the United States. Especially then may we look to them for a rigid observance of their provisions.

It is scarcely necessary to say that the case of inspection of the Roxbury School was not provided for by any law. The "order" concurrently passed by the two Houses of the legislature was not a law. A bill must have three several readings in each House, must be engrossed on parchment and must receive the Governor's approval before it can become a law. This "order" met none of these conditions. Nor were there any formalities. There was no oath, nor affirmation; there was no special designation of the persons or objects of search. The whole proceeding was entirely at variance with the Constitution.

Moreover, whatever authority was conferred by the "order" concurrently passed by the two Houses of the legislature was conferred upon the committee on convents and nunneries, viz.: Messrs. Evans, Pillsbury, Littlefield, Hiss, King, Lapham, and Emery. These were not the men who went to Roxbury. Five of them went, and two did not. The nineteen, more or less, who entered the house under color of the authority conferred by the "order," were not the committee on convents and nunneries. The committee had no power to delegate their duties to others; and by admitting others to an equal participation in all their proceedings they lost their own character as a committee.

This is the proper place to notice the attempt which has been made to justify the proceedings of the 26th of March, on the ground that the party acted with the *permission* of the inmates. At the first investigation, Senator Dawley asked Mr. Littlefield whether he did not regard this permission as a sufficient warrant for entering, and he answered in the affirmative. The

same thing is elaborately stated in the report of the nunnery committee, which is throughout rather an apology for than a statement of their doings. The report says that the committee did not regard the "order" concurrently passed by the two Houses of the legislature as "giving them power to enter any institution without the full permission of those having the control thereof."

Before beginning the consideration of the validity of this plea in defence of the proceedings of the committee, I cannot forbear remarking that the "permission" which is accorded to nineteen full grown men by five women (two of the sisters were absent) and twelve children, one of these lying ill in her bed—this sort of "permission," I say, is very much like the "permission" to take his purse which the defenceless traveller accords to the highway robber; the "permission" which the victims of oppression anywhere accord to the tyrants who misuse them. Ignorant of their rights, too weak to resist, what wonder if the ladies did put the best face on the proceeding! And how ungenerous and unmanly is it in men to seek to take advantage of their defenceless and unprotected state, and to pervert the very inability of their victims to resist into an excuse for their abuses!

There is no evidence, however, that any "permission" for the entrance of the party was given except what may be thought to follow from the assent by the inmates to the proposition of the visitors. "We are a committee," said the spokesman of the party, "*we are a committee* of the Massachusetts Legislature, delegated with authority to visit this and other institutions of instruction in this Commonwealth, in order to gain information of their condition, and report it to that body. Have you any objection to an investigation?" "None at all," said the lady. This is the account of the conversation as given by the gentlemen of the party themselves. It opens with a falsehood. The party was not a committee. A few of its members only—less than a third—belonged to the committee. That committee could not have been delegated with any authority that the legislature had not the right to grant; and in their report the committee does not pretend to the right to the exercise of any power except under the permission of the ~~parties con-~~

cerned. The inmates of the Roxbury School were not told this by their visitors. The gentlemen did not say, "we do not pretend to any right to enter without your permission: if you refuse permission, we shall quietly go away: you may do just as you please, we claim no right here except by your sufferance." Some such speech as this was due to the truth. None such fell from the lips of the visitors. What they said was this—we are a committee, delegated with authority to visit your house; do you object? Of course, under this representation of the state of things, the ladies assented.

I beg particular attention to the fact that there is no evidence, no pretence, of any formal request for permission, accompanied by the statement that if permission were withheld, the party would retire. What the committee have the effrontery to call "permission," was simply, by their own showing, the passive assent of the ladies to their proceedings, based on a misrepresentation of the true facts. Such "permission" is no sort of justification for the proceedings.

This appears so plain, that I am almost ashamed to illustrate it. If anybody questions it, let him regard the morality of a piece of roguery frequently practised in large cities, and tell me if it is sound. Some cold spring or autumn day, about dinner time, the lady of the house is summoned to her door by a message that her husband went down town without his overcoat: since morning an east wind has come up, and he needs it; she will please give it to the messenger to carry to him. The boy at the door tells his story glibly with an honest face. The unsuspecting wife believes him, and gives him the coat. The husband comes home soon afterwards, bare-backed as when he left the house in the morning. An *éclaircissement* takes place. He never sent for his coat. The boy was an imposter, a thief. The police are set on his track. Suppose an improbable thing, that they catch him. Shall he say he had the lady's "permission;" and so go free?

Even had there been a formal and explicit grant of permission on the part of the ladies, accorded after the misstatement of their authority by the visiting party, it would not have been binding. Suppose a sheriff's officer arrests a man in the street,

alleging that he has a writ that authorizes him to do so. His prisoner, although conscious of no guilt, yet presumes that the officer is not mistaken in his authority, makes no resistance, surrenders himself and walks in the company of the officer to the station-house, and is put in jail. There he obtains counsel, or sends for friends, who examine the writ and find it defective; the officer has made a mistake, he has exceeded his authority. Will the acquiescence of the person arrested abate one jot of the liability of the officer, for a false arrest? Assuredly not.

These things are so plain, that, as is intimated above, I should be ashamed to dwell upon them, were they not gravely put forward by way of defence of the doings of the visiting party at Roxbury. The defence is palpably insufficient. What is more, it is an obvious after-thought.

If the committee regarded the permission of the inmates as their only warrant for entering these schools, as they now pretend, what in the name of common sense led them to ask the legislature for any other authority? The famous "order," it must be recollected, was passed at the instance of the committee themselves. They asked for its passage. How was it needed? Does not Dr. John Littlefield, the lion-hearted of Foxborough, dare to visit ladies residing where he knows his visits are permitted by "those having control," without a solemn ratification of the visit by the legislature? Most certainly he does, or else would the fair of Foxborough languish for want of his smiles. This pretended "defence" is a great deal too strong. It defends too much. If the "permission" was the only warrant, then the "order" was not needed. But the committee thought that the order was necessary—and thus it follows that they regarded the permission as altogether an incidental and secondary matter.

Let the reader, however, if he is fond of hypothetical cases, suppose for a moment that the so-called "permission" had been refused. Suppose the lady-superior at Roxbury had said, "Gentlemen, we deny your right here, and object to your entrance; go away." Those who choose, may believe that the party would have gone away, and would have quietly ac-

quiesced in the rebuff. Those who choose, may believe if they had gone away, they would not have made an indignant report, and that they would not have sought, from the unwillingness of ladies to have the privacy of their chambers invaded, to prove that some dreadful enormity was concealed in the house. The course of the ladies in submitting to the visit, was certainly better. They could not have prevented the entrance of the party; and the result of the search was a ludicrous disappointment of the hopes of the inquisitors, who would have been glad to find starved nuns, or abominations of some sort. All was neat, and clean, and proper.

It must be recollected that not one of these nineteen visitors had ever seen or had any acquaintance with any of the ladies of the house. They brought no introduction of any kind, they neither showed nor offered to show any paper vouching for their character. They had none to show. Now he need not be a great stickler for the forms of etiquette, who sees in this procedure a violation of courtesy, such as gentlemen ought not to commit. No gentleman, except under some peculiar circumstances, would venture to call upon any lady with whom he is not acquainted, even if he knows his visit is permitted by "those having control," without carrying an introduction of some kind, or at least sending her his name before he obtrudes his presence upon her. This he would do, even if he called alone. When he takes his friends with him to the number of nineteen, to see ladies with whom none of them are acquainted, the propriety of a previous notice of the visit, or of some kind of introduction, is more conspicuously obvious.

I have already adduced, in the case of the "writs of assistance," an instance, memorable in history, which illustrates the wrong of particular searches based on general suspicion. It is easy to see to what excesses the violation of the fourteenth article of the Bill of Rights may lead. I cannot forbear adducing a case suggested by the fact, that several of the party visiting at Roxbury are physicians. It is well known that there is a vulgar jealousy abroad among the people, on the subject of dissection. Scarcely a physician in the State is free, in some minds, from the imputation of being a "body-snatcher."

It would be strange if it were otherwise, in view of the fact that the existing laws on the subject are notoriously inadequate to meet the wants of the medical profession. A bill has been pending before the present legislature, proposing to enlarge the lawful sources for obtaining bodies for dissection. No intelligent, right-thinking man believes that any respectable physician is guilty of any wrong-doing in this respect. But stories, as baseless, as idle and as silly as those regarding convents, to which the nunnery committee so eagerly listened, abound with regard to body-snatching. If a legislative committee should choose to credit these stories, so far as to ask for an order that a committee be "*authorized and instructed,*" "*to visit and examine*" the dwelling-houses of such physicians in the State as they might "*deem necessary to enable them to make a final report*"—would even a know-nothing legislature grant the authority? And how many respectable physicians would submit to have their houses searched, merely that an idle story might be disproved?

Nor is it necessary to go back a hundred years, or to suppose cases, to show the danger of meddling with the rights of private individuals. Only one year ago, as is very well known—and to none better than the present legislature, which has essayed to remedy the fault,—the Supreme Judicial Court declared that the famous search-and-seizure sections of the prohibitory liquor law of 1852, were unconstitutional, distinctly on the ground that they contravened this very fourteenth article of the Bill of Rights.

On such dangerous ground do legislators tread, when they forget that "our houses are our castles."

The cardinal offence committed on the 26th of March, was the entrance, without right or authority, of a party of men into a private house, where their presence was neither desired nor expected, where no abuse existed, where none was suspected,—the entrance being made under the color of an authority which it was not pretended was granted, except on the allegation of vague, general suspicions. The fact of the entrance is not disputed. That it was improper, illegal and unconstitu-

tional, a violation of private rights and the principles of public justice underlying the whole fabric of our institutions, is clear.

There is no need of weighing testimony against testimony in this. The fact of the entrance cannot be denied, and is not denied. Whether the subsequent behavior of the party in the house, where they had improperly entered, was proper or not, is a less important question. It is assumed that there is a conflict of testimony with regard to this. The visitors all swear to each other's good behavior. They swear that they all behaved alike, and all behaved like gentlemen.

Some of the confusion doubtless follows from a difference of opinion with regard to definitions; definitions of acts and definitions of words. I do not propose to go into such a close consideration of these differences as might perhaps delight *captatores verborum*, but could neither interest a know-nothing legislature on the one hand, nor an intelligent community on the other. But there are some points that I cannot omit.

If any man describes the manner in which he entered a lady's bedchamber, and asks me, "How could I have done it in a more gentlemanly manner?"—I can only answer, You should not have done it at all. The act is so gross, so repulsive to all notion of refinement, that no gentleman can perform it, except from some necessity, such as did not exist in the present case. There is no gentlemanly way for a man to enter the bedchamber of a lady who is an entire stranger to him. The place is sacred to herself. If a man's house is his castle, how much more is the apartment in a house occupied by a lady, her own castle, so retired and so private that intrusion is intolerable! The nineteen men who went to Roxbury on the 26th, visited every chamber in the house. Let them all swear that their visits were perfectly "gentlemanly," if they please—the word has a strange meaning with them.

In one of those chambers lay a young lady, ill. Leeches had been applied to her the same morning. She was faint and weak. The fact that she was lying there ill was communicated to the party. They took no pains to ascertain the

particulars of her condition. For aught they knew, she might be in such a critical state that the alarm caused by their presence in the house, the noise they made on the stairs, their conversation in the adjoining room, might greatly aggravate her illness, perhaps give it a fatal issue. I heard, that same week, of a case of painful illness where a young lady lay pending between life and death, with such a narrow margin that a much less circumstance than this numerous visit would have turned the scale against her. The physicians among the visitors at Roxbury know how frequent are such cases. But nobody in the party paused to make inquiry; nobody proposed to discontinue the search, to postpone the visit; nobody apologized; the party marched on, followed out their course through the house, and pretend to think they are free from all reproach in this matter, because they swear to a diminution of the distance which intervened between the most curious of them and the girl's bedside! If it were proved that none of them went within four feet of her chamber (which is not proved) it would scarcely be a mitigation of their offence—their heartless, cruel disregard of the comfort of a poor invalid girl, ill at a boarding school!

But the evidence fails to disprove the fact that the very privacy of this girl's chamber was invaded while she lay in her bed. We have the testimony of the lady-superior under oath, that several of the party looked into the chamber, and one entered. We have the testimony of the young lady herself that she *felt* the breath—breath smelling like cigars—of one of the men upon her face, as he leaned over her bed; and likewise her testimony that when she opened her eyes for a moment she *saw* two men's heads peering in upon her. Against this testimony, which is positive, direct and probable, we have the evidence of a part of the visitors that they did not themselves go within distances, variously stated, of the bedside; and that they did not see any others go nearer. This evidence is at best negative. It is partial, since all the party were not examined on this point. Moreover it is inconsistent with known facts; for Senator Pillsbury (although not examined on this point) is understood not to deny that he

stood with his feet out of the girl's chamber and his head in. He almost admitted this in questions which he asked.* It follows, therefore, either that those who saw nobody within four feet of the bed, were not in a position to see, or else that they had not good eyes for such sights. Their testimony may be viewed in the light of whichever branch of the dilemma is found the more agreeable.

With regard to the invasion of the chapel, the supposed conflict of evidence is equally unimportant. There is no doubt that the party went in and interrupted a lady there who was kneeling, engaged in her devotions. Perhaps this entrance and this interruption were done in a most "gentlemanly" manner. The word "invade" has caused a cavil. It means literally nothing more than "enter." It is from the Latin *invado*, *in* and *vado*. *Vado* means to walk, to go. The word "invade," however, is generally used in English, to describe a hostile or unauthorized entrance. Such was truly the character of the entrance into the chapel. Nobody pretends that these gentlemen entered the chapel for the purpose of worship. Their purpose at best was curiosity; worse than this, they would not have been sorry to have found something there that could have been made the basis of a complaint. The lady-superior made oath that several of the gentlemen had entered the chapel before she pointed it out to the party. Most of the gentlemen denied this on their oaths, but what is very remarkable, not one of them was willing to admit that he was the first to go in, and none of them knew who first entered! I was careful to ask the question of all who were examined. Only one was positive enough about the circum-

* The following is a portion of the examination of the lady-superior before the committee of inquiry, April 10, 1855:—

Questions by Mr. Pillsbury—Did you see some of the party enter the chamber of the sick girl? A. One entered, and several looked in at the bed.

Q. Will you swear that one gentleman crossed the threshold? A. I do not know whether his feet crossed the threshold. He put his head in over the bed.

Mr. Pillsbury—I shouldn't call that entering the room. If I have my head in a room and my feet out, I should not say I had entered the room.

The Chairman—I hardly think that plea would save you in case of burglary. [Laughter.]

Mr. Hale—It depends on which part of his body the gentleman considers most important. [Another laugh.]

stances, to assert that he knew that nobody entered before the lady-superior's invitation. They generally were obliged to admit, that, for aught they knew, some of the party might have entered before. Every one, without exception, denied that he was the first to enter. The lady-superior's testimony, which is direct and positive, thus meets with no substantial contradiction. The chapel is proved to have been entered by a band of men, uninvited, holding an opposite religious faith, not entering the place for worship but simply for curiosity, and interrupting and preventing the devotions of one of the rightful worshippers at that sanctuary. Those who do not care to say that the chapel was "invaded," must invent their own word to describe the proceeding.

So, also, what is the supposed conflict of testimony with regard to the school-room? The ladies testify that the children were frightened, very much frightened, and gave expression to their fears by cries and screams; and one of the girls exclaimed in terror, "The house is full of know-nothings!" The gentlemen meet this evidence by swearing that they saw no signs of fear; the faces of the children in the school-room were bright and smiling, and in fact they laughed so much that the teacher apologized for their laughing. I have no doubt that the whole is true. The first impulse of the children at the unexpected advent of nineteen men at the doors was fright. The first care of the ladies was to pacify the fears and calm the apprehensions of their pupils. Children are easily alarmed and easily soothed. By the time the party reached the school-room, the terror had vanished. Only laughing faces were seen. If it should occur to the gentlemen to think what the young ladies were laughing at, they might be less ready to talk about the circumstance.

It would be useless labor to go over anew the whole ground of this visit, now so familiar. There is much more that I might say, but I desist, lest I weary my reader. I beg, however, that it may not be supposed that I abandon points which have been made in former articles because I do not allude to them here. That part of the misconduct at Roxbury in which a single individual of the committee was concerned, I purposely

omit to consider here, because this pamphlet is not written, nor were the articles in the Daily Advertiser written, to abuse or persecute a single individual, although it has been so charged. It is no part of my plan to allow the members of the committee and of the legislature to escape so easily. The conduct of that individual at Roxbury, moreover, was so far exceeded in disgrace by his behavior on the following visit of the committee that it is not necessary to follow it up. What I have to say relates to the public question. I have no private jealousies to gratify. Some things are beneath notice.

The ladies say on their oaths that they felt offended and insulted at the treatment they received. The gentlemen attempt to controvert this by swearing that they saw no signs of indignation: they were courteously received, kindly treated by the ladies. One of them, Mr. Holbrook of Weymouth, said he never was more courteously received in his life anywhere. No doubt of it. He might learn manners to great advantage in that school. The teachers are ladies; and they did not so far forget their own character as to betray their feelings to their persecutors. I make no doubt that in ninety-nine houses in every hundred in this State, where well-bred ladies reside, a man might enter under a false introduction,—tell the lady of the house he was her nephew or any other convenient untruth,—and he would be courteously received, despite the grossest *gaucheries* and rudeness on his part. Would this prove that he was a gentleman? Not at all; it would prove, however, that his host was a lady—and that was the case at Roxbury.

The definition of the term "gentleman" has puzzled heads better qualified for the task (it is no disrespect to say) than members of the Massachusetts Legislature. I do not care to try my hand at defining the word; but I claim to be able to judge what conduct is not the conduct of a gentleman. Some critics in their definitions confound the "gentleman," with *the soldier*; some confound the "gentleman" with *the Christian*. Both doubtless are partly right and partly wrong. There are three things, however, which by universal consent have come to be regarded as necessary attributes of the char-

acter of a gentleman from the age of chivalry downwards. These three things are

Respect for Truth,
Respect for Woman,
Respect for Religion.

He who fails in either one of these three so far falls short of the character of a gentleman. The party that went to Roxbury failed in them all.

They failed in Respect to Truth, because they represented themselves to be a committee of the legislature, invested with certain powers, while in truth the party was not a committee and did not possess the powers it assumed.

They failed in Respect to Woman, because, to the number of about nineteen full-grown men, without right and without authority, they entered a house where were only five ladies and twelve girls, with none of whom were they acquainted; where their presence was neither desired nor expected; where one of the girls was lying ill in her bed; and they overran the premises of their defenceless and unresisting victims, and intruded upon their most private and most sacred places.

They failed in Respect to Religion, because the whole expedition, which was made a holiday frolic, was really dictated by an antipathy to the form in which the inmates of the house choose to worship God—because the party entered the sanctuary of the one God in whom all Christians believe, not for the purpose of worshipping Him, but from motives of idle curiosity; and interrupted and prevented the sincere devotions of a lady rightfully worshipping there.

The party left the house a few minutes after twelve o'clock, having occupied about half an hour in the visit. The time was estimated by some of the gentlemen of the party, in their testimony, to have been as brief as fifteen or twenty minutes. It certainly did not exceed thirty-five. The party might easily have forthwith returned to Boston by the same conveyances which brought them. They would then have reached their hotels and boarding-places before the usual hour for dinner. Indeed the whole expedition, had it really been under-

taken as a matter of business, might have been accomplished in less than two hours' time, and without interfering with the regular meals of the honorable members, or preventing their attendance at the stated sessions of their respective houses, where they ought to have been, and where they were not.

That the visit was not undertaken as a matter of business, distinctly appears from the subsequent proceedings. Indeed, the supernumeraries who were invited to join the party admitted on their examination that they were not requested to aid the committee in the performance of any duty, but rather—most of them said—to participate in the proceedings of a party of pleasure.

On leaving the school, where they had thus spent half an hour, the whole company, with the exception of two or three of the Roxbury gentlemen, repaired to the excellent hotel known as the Norfolk House, where "a good dinner" had been ordered two or three days beforehand. Here they remained, a part of them three hours, some much longer. The dinner was no doubt excellent, and the legislators so thoroughly attended to it, that not only was the dinner consumed, but all the neatly printed bills of fare disappeared. A copy of this bill, if it could be found, would be an interesting public document. The dinner, unnecessary and extravagant, cost the State seventy-four dollars. A part of the expense was caused by the consumption by the party of champagne and other liquor forbidden by law to be sold in this State, but which was ordered by members of the party, and was paid for by the committee from the State Treasury without dispute or question. The State was thus made a party to the violation of the laws of the State; and this, too, by members of a legislature which by immense majorities in each house, has vastly increased the pains and penalties of the offence of selling liquor.

Three days afterwards the visit to Lowell occurred. On this occasion the party consisted of four members of the committee and four other members of the legislature. The history of the expedition presents the same general features of foolish extravagance. Lowell is distant but twenty-six miles from Boston, and the distance is travelled by railroad in an hour,

seven times each way daily. The visit to the school could thus easily and conveniently have been accomplished in a single day. It was thought better, however, for the committee to go one day and return the next, stopping the night of course at a good hotel. This arrangement would have been advantageous, if the party had visited the school on the afternoon of their arrival, and had returned to Boston in the morning in season for their regular legislative duties; but they preferred to occupy the afternoon and evening in seeing the sights of Lowell, an innocent and profitable employment doubtless, but not that upon which they were commissioned. It appeared in evidence that one member of the committee (Mr. Pillsbury) expected to meet his family in Lowell, at a friend's house, and that he availed himself of this opportunity for a pleasant social visit, separating himself from the committee immediately on their arrival. Another member (Mr. Hiss) is also supposed to have enjoyed some separate pleasures, but what pertains to his individual behavior does not come within the plan of this pamphlet. It had been expected that the gentlemen should attend a know-nothing meeting in Lowell that evening, but the meeting was postponed. During the visit the committee bought five dollars' worth of wine and gin, sold in contravention to the laws of the State, and paid for it out of the State Treasury.

But why should I say more? Nothing need be added to show the entire want of any sense of legislative duty animating these proceedings. It is clear that the whole affair was regarded a matter of frolic and fun at the State's expense; and this, too, while the dearest rights of those for whose protection governments are most needed,—namely, those unable to protect themselves,—were ruthlessly invaded.

It is doubtless true that cases may occur in which the common good requires that private houses shall be opened to visitation by officers of government; but the Bill of Rights indicates distinctly what precautions must be adopted in such cases. The authority must be specific and not general; it must be for probable cause, based upon oath, with a special designation of place and object.

On whom ought the responsibility of the disgraceful proceedings of the nunnery committee to fall? Assuredly not on any single member of the committee. One gentleman may have carried out the principle of obtaining enjoyment at the State's expense, farther than another; but all recognized the principle, and all sacrificed public duty to private pleasure. Doubtless much of the abuse is due to ignorance and carelessness, rather than intentional wrong. But legislators have no right to be ignorant of their plainest duties. The legislature has never disavowed the proceedings. The "order," under the authority of which the visits were made, was never rescinded. More such visits had been planned; why did they not take place? Not because the legislature revoked its authority, but because the voice of the press and the public frowned dissent and disapproval. No vote of censure was passed upon the proceedings. The nunnery committee made their report, and it was received in due form, as a matter of course. The legislature refused to rebuke their illegal and improper proceedings.

We must not forget that there were individual exceptions among the mass of members; such as Charles P. Huntington of Northampton, the most experienced member of the House, and one wholly free from party trammels, who from the first insisted upon *investigation*; and J. Q. A. Griffin of Charlestown, who conducted the first investigation with thoroughness and fairness, and was not afraid to make a true and manly report to the House. These two gentlemen, by far the ablest members of the House, arrayed themselves upon the right side. The generality of members opposed themselves to their counsels.

The final report of the nunnery committee demands a few words of comment in this place. The committee divided their duties under two heads. Under the first head, they come to the conclusion in their report, that, "from the evidence that has been presented to the committee, and from what they have seen of the institutions themselves, they do not find sufficient cause to warrant legislation in reference to them as convents." Under the second head, they come to the conclusion that "the

committee on education having reported a bill concerning the examination of private educational institutions, we would recommend its passage, believing it to meet all the exigencies of the case." This recommendation, accordingly, was the sum total of positive results obtained by the nunnery committee; and it had so much weight with the legislature, that the bill, whose passage they recommended, was six days afterwards *indefinitely postponed*, and thus killed.

Thus, nothing whatever of benefit came to the State from the labors of the committee, in return for the waste of time and money; the loss of credit; the violation of law, and the disregard of the Constitution. This result might have been anticipated in the beginning.

People of Massachusetts! Are you prepared to recognize these proceedings as right and proper? Do you wish this record to stand approved and accepted by you as a part of the history of the State? Your senators and representatives, in their official capacity, have found no word of censure for the doings of the nunnery committee. They have satisfied themselves with the expulsion from the House of a single member for his behavior at Lowell. The Roxbury visitors remain unrebuked. It remains for you to ratify or reject this decision, as you see fit. What is your verdict? It cannot be that the free and intelligent people of Massachusetts in 1855 repudiate the doctrine for which, ninety-five years ago, James Otis contended against foreign tyranny, and "then and there the child Independence was born"—which, nineteen years later, Massachusetts adopted into her own Constitution, and which soon afterwards was inserted in the Constitution of the United States—a doctrine, the truth of which no American and no freeman has ever yet denied—the doctrine which teaches that OUR HOUSES ARE OUR CASTLES.

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APPENDIX.

A.

[From the Boston Daily Advertiser, March 31, 1855.]

"OUR HOUSES ARE OUR CASTLES."

This is the substance of one of the maxims of constitutional liberty which we had supposed still held true in Massachusetts at the present day. Whether this be the case or not, the reader shall judge.

On the 15th of February of the present year, the House of Representatives, and on the next day the Senate, of the Massachusetts Legislature, agreed in the passage of the following order, which we copy from the official journal, the language being substantially the same as was reported in our columns at the time:—

"Ordered, That the Joint Special Committee on the inspection of Nunneries and Convents, be authorized and instructed to visit and examine such Theological Seminaries, Boarding Schools, Academies, Nunneries, Convents and other institutions of a like character, as they may deem necessary, to enable them to make a final report on the subject committed to their consideration."

The terms of the order are somewhat peculiar, and it would be difficult to say how ample are the powers which it confers upon the committee. Committees are often authorized *"to send for persons and papers,"* and in such case may compel the attendance of such witnesses as they desire. Whether the order above cited was designed to authorize the committee to force ingress to any building where entrance should be refused, we cannot say.

Two or three senators, to their honor, declined serving on this "joint special committee on nunneries and convents." The members on whom its disagreeable duties were finally devolved, and by whom they have been discharged, so far as they have been, are as follows:—

Messrs. Streeter Evans of Essex, and
Gilbert Pillsbury of Hampden,
Of the Senate.

John Littlefield of Foxborough,
Joseph Hiss of Boston,
Nathan King of Middleborough,
Joseph H. Lapham of Sandwich, and
Stephen Emery of Orange,
Of the House.

We have not heard of any doings of the committee at Cambridge, at Andover, or at Newton, where there are theological institutions—or at South Hadley, where there is a boarding-school crowded with young ladies—or at any of the sixty-six incorporated academies in the State. The newspapers have noticed the visits of the committee to the Catholic College at Worcester, and to a Catholic School at Lowell, and, so far as we know, the examination under the plenary powers and comprehensive language of the order is confined to such institutions.

One of the visits of the committee in this neighborhood has been described to us, and we propose to lay the description before our readers. It comes to us on authority which we regard as authentic and reliable—but from the nature of the case, the witnesses at first hand can scarcely have been in a position to observe carefully or calmly. It may be that there are exaggerations and mistakes in the account; we could hope for the honor of Massachusetts that there are. We cannot vouch for the story, as if we had ourselves seen all the circumstances which it relates—we lay it before our readers as we hear it, and shall very gladly be convinced that the evidence on which we tell it, is mistaken. We cannot even be sure that the gentlemen composing the committee, whose names we have printed above, were the actors in the scene; but it was acted in their name, and under cover of the authority alleged to be conveyed by the order which we have cited.

On the Dedham turnpike, in Roxbury, just beyond Oak street, there is an ordinary house, in which a school is kept by seven ladies, Catholic "Sisters of Charity," members of the order of Notre Dame. They have twelve pupils, young ladies between the ages of ten and fifteen, all Americans by birth. These nineteen ladies form the whole household, with the exception of an Irishman who is employed about the premises as a servant. The house is located upon a thoroughfare much travelled; it is not secluded in any way from public gaze, the grounds are not surrounded by any barriers, nor does it have any of the characteristics of a monastic institution. The ladies who reside there as teachers, are highly cultivated and accomplished, and as much entitled to respect and courtesy as any in the State. Their pupils are likewise respectable, and there is not the least evidence that their attendance at school is forced, that they are subjected to any rigorous discipline, or obliged to undergo any sort of ill treatment.

Such being the character of this establishment, the nineteen ladies residing therein were surprised on last Monday afternoon to see two omnibuses drive up to the doors, crowded with passengers, who alight and inquire for the "lady superior," and being met by the head of the establishment, the spokesman of the party informs her that the crowd is a committee appointed by the legislature to examine the house. No notification of the visit to be expected has been served upon the ladies, and they are of course obliged to take the statement of the members of the party on their own authority. We have already seen that *the committee* actually appointed by the legislature consists of but seven members. We are unable to state the number of the party professing to act as this committee on this occasion, but from the fact that two twelve-seat omnibuses, which appeared to be full, were required for their transport, we can only estimate their number at twenty-four. There may have been a few more or less.

Nineteen ladies, twelve of them less than fifteen years of age, could not of course oppose any effectual obstacle to the entrance of twenty-four full-grown men into a common house, even had the ladies known the rights guaranteed them by the Constitution and laws of Massachusetts, and had they been disposed to maintain those rights by force. The "gentlemen" (we presume we must call members of the legislature by this title) roamed over the whole house from attic to cellar. No chamber, no passage, no closet, no cupboard, escaped their vigilant search. No part of the house was enough sacred, or enough protected by respect for the common courtesies of civilized life, to be spared in their examination. The ladies' dresses hanging in their wardrobes were tossed over. The party invaded the Chapel, and showed their respect as Protestants, we presume, for the One God whom all Christians worship, by talking loudly with their hats on, while the ladies shrank in terror at the desecration of a spot which they believe hallowed.

While in the chapel, the ladies declined holding any conversation with their persecutors; but in another part of the house the principal expressed her perfect willingness to answer any questions propounded by "the committee." One of "the gentlemen" accordingly pats her affectionately on the back with one hand, turns over the rosary suspended about her neck with the other,

and asks her if she is content with her situation, whether she can leave when she pleases. The young ladies were of course subjected to questions even more rude—whether there are any boys boarding in the establishment—what punishments they suffer for misdemeanors, &c. It is scarcely necessary to describe such conversation in detail; the reader can readily imagine what the scene must have been.

The examining party of course had everything their own way, and when their searches and their insults had been protracted to the extent of their pleasure, they took their leave. It is scarcely necessary to say that “they found—no matter what—it was not that they sought”—unless the object of the visit was simply a “lark” at the expense of the State, in which case, the object was doubtless attained. There were no nuns immured alive in contracted cells, nor any evidences of abuse of any sort calling for legislative interference or even inquiry.

Now we ask the reflecting men and women of Massachusetts,—we even appeal to the candor of the eighty thousand voters who put the present administration in power,—is such a record as the above fit to form a page in the history of the free and enlightened Commonwealth of Massachusetts in the nineteenth century? Make any allowance you please for exaggerations in the story which may have been caused by the natural fears of the terrified witnesses, and does the record stand fair and clear? Is such the treatment that defenceless women ought to receive? Is such the behavior of gentlemen in the legislature? It is only paralleled by the stories that have come down of the insults and excesses of unlicensed soldiers in time of war.

Our legislators ought to have a more intimate practical acquaintance with the fundamental principles of our government. The Bill of Rights, which is the first part of the Constitution of Massachusetts, contains this article: “*Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.*” It would be superfluous to point out how this article was violated in every clause by the action we have recorded. What was the warrant of this committee of seven, swelling its own numbers by its own act? Nothing but a vote of the legislature, unsupported by oath or affirmation, and drawn up with regard to no formalities either prescribed by law or otherwise.

In like manner the Constitution of the United States guarantees that “*The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*”

Who is safe from such unreasonable searches as that of Monday last? What house is there in the State occupied wholly by defenceless women, that may not be the next scene for a frolic of a party of rude men? Let the constituents of any of the gentlemen composing this committee consider how they would relish an invasion of their residences and a disturbance of the privacy of their families by such inquisitorial parties as this.

The Revolution was fought in vain if the great American principles of private right and domestic security are now to be set at naught.

[From the Boston Daily Advertiser, April 5, 1855.]

PROOF OF THE FACTS.

The Committee of Inquiry appointed by the legislature are very dilatory about their work. They were appointed, if we understand rightly, to clear

up certain charges and imputations against the fair fame of the State and the credit of its legislators. A *prima facie* case has been made out; and until the charges are investigated, the State and the legislators rest under ignominy. Meanwhile, with the exception of sending us the letter and receiving the answer promptly returned the same day, both of which will be found in another column, we are not aware that the committee have done anything. There has certainly been no public session, nor had we heard of the summoning of any witnesses [until last evening, after this article had been placed in the hands of the printer, we were ourselves cited to appear before the committee on Saturday next, a week after their appointment.]

What the committee are so slow to do, we have ourselves undertaken, for the double purpose of justifying ourselves and of satisfying the anxiety of the public with regard to the facts. The best, we might say the *only* proper evidence, with regard to the proceedings of the gentlemen at Roxbury, is obviously to be obtained from the inmates of the house which they visited. The evidence of these ladies is vastly more pertinent than that of the visitors, who are interested parties, and ought not in strictness to be allowed to testify, even if their own testimony was less damning against themselves than were their admissions in the debate in the legislature, and in the columns of the organ of the dominant party, their apologist and defender. If the committee of inquiry really wished to know what happened, it would seem that they should, ere this, have sought to ascertain from the ladies at Roxbury.

This, which the committee have not seen fit to do, we have done, although we do not possess the privilege of the plenary authority "to send for persons and papers" which the committee enjoy. We have taken the pains to ascertain directly from these ladies, whose testimony must be regarded as conclusive, the facts of the case; and are able to state, on their authority, that with the exception of a few unimportant details, (which we shall proceed to mention,) *the whole of our statement of Saturday was precisely correct.*

We stated that no part of the house escaped the vigilant search of the visitors. We repeat that this statement is correct. Notwithstanding what the Bee says on the subject, the cellar was visited. It is true that the proffered lantern was declined—but one of the gentlemen (probably thinking the offer was a pretext to gain time) pushed boldly down a dark and dismal cellar-staircase, which if it existed in Boston might give occasion for one of Mayor Smith's remarkable verdicts. We ought to say that there was a single clothes-press in the house which was not opened by the committee. It was locked, and the superior did not happen to have the key at hand at the moment when the party about her reached it in their course. She was about to procure it, but some of the gentlemen (by this time we suppose convinced of the folly of expecting to find hidden enormities in the closets) said that it would be unnecessary. Several of the party, nevertheless, rattled the door with an amusing incredulity. We are glad to be able to solve their doubts and remove their fears. We can inform them and the public that that clothes-press has since been opened in the presence of a Protestant gentleman from the city of Boston, and proved to contain nothing but clean linen, neatly arranged upon the shelves. This statement will doubtless bring inexpressible relief to several gentlemen. There is a sink in the lower part of the building where foul water is poured away, to be conducted to the drain. This sink is covered with a lid, as is not unusual in houses where neatness and cleanliness prevail. Several of the visitors in their march lifted up this lid, looking with suspicious eyes, we suppose, to find some immured nun. We must do them the justice to say that they generally closed it speedily.

We proceed to point out the particulars in which the witnesses are unwilling to sustain our statement, not because they are at all essential, but in order that our readers and the public may understand how close has been the scrutiny to which our article has been subjected, and how conscientious and careful are the witnesses:—

1. The article spoke of the school as "kept by seven ladies, Catholic Sisters of Charity, members of the order of Notre Dame." The words "Sis-

ters of Charity" should have been omitted, as there is a technical inaccuracy in applying that term to the Sisters of Notre Dame.

2. The four words "with their hats on" should have been omitted in describing the visit to the Chapel. The visitors were uncovered, there and elsewhere, in the presence of the ladies.

3. The article should have stated that "the ladies' dresses hanging in their wardrobes were" *inspected*, and not "tossed over."

4. The persons to whom particular remarks were addressed were not stated with absolute precision in the article; but no remarks were mentioned that were not made, and others might have been added. The question "whether there were any boys in the establishment" was addressed, and repeated several times, to the lady-superior. The sisters all wear a badge suspended about the waist, with beads, a crucifix, &c. It was this, worn by one of the sisters, not the superior, which was handled, and not a "rosary suspended about her neck."

This completes the catalogue of the points in which our article fails of support. We are quite willing to qualify our statement by the concession of these points, so obviously immaterial; and we now state explicitly that with this qualification, our article of Saturday is precisely correct, as is distinctly testified by the ladies at Roxbury, whose testimony would be conclusive in the strictest court of justice, and will not less readily command assent before the more liberal tribunal of public opinion. If it were worth while to attempt to add anything to the force of this assertion, we might support it by an affidavit sworn to before a justice of the peace.

Here then is the evidence, pertinent and conclusive, easily obtainable, which the committee of inquiry have neglected.

Thus much with regard to the truth of the statements which we have already made; but as we intimated on Tuesday, there is a new feature in the scene which we omitted to describe, and to which we now ask the reader's attention.

In a small chamber in the house, one of the boarders, a young lady whose parents we believe reside in the island of Cuba, but who is herself an American by birth, speaking English perfectly,—lay in her bed ill. During the day the sister-superior had been applying leeches to this sufferer; and the disagreeable operation was scarcely concluded, when the omnibuses drove up and the numerous party alighted. The advent of this masculine band caused great terror in the school-room: the children literally screamed with fright. The superior's first care was to pacify them and calm their fears; and next, recollecting what effect this noise and the unexpected arrival must have upon her young patient up stairs, the superior proceeded to her chamber and bid her not be frightened; warned her that she might be disturbed, and advised her to appear to be asleep.

On receiving the party in the parlor below, the sister-superior informed them that one of her pupils was ill, lying abed in her chamber, and requested them to make as little noise as possible in approaching that part of the house. We need not tell our readers how gentlemen of ordinary refinement and dignity would have behaved in such a case: our business is to tell what these visitors did. On reaching the chamber where the girl lay, the superior stated the fact. Did the "gentlemen" shrink back? No, they pressed forward. One, it is believed, actually entered the room, and at all events several approached within twelve inches of the bedside. The chamber is scarcely larger than a closet, the bedstead is a small iron structure, and is placed close to the door; so that the inquisitors, without actually crossing the threshold, could carry their presence into its privacy. What were the feelings of that weak and suffering girl as these rude men hung over her, we shall not attempt to describe. They were not content with the view obtained by the ordinary door. She saw two men's heads peering into the room by another door, which was open, at the foot of the bed. To obtain this view, these two "gentlemen" must have leaned over another bed which stands across the open door-way in an adjoining room. We trust their curiosity was gratified.

There is no doubt whatever of the facts about this matter. We heard them first, indirectly, from one of the supernumerary visitors. We have since made inquiry, and we have unquestionable and direct evidence. Further than this, we have seen the young lady herself, a girl of twelve or thirteen years of age. She has now happily recovered her health and her spirits, and we have heard from her own lips, the simple story of her trial. Nobody could look in the frank open face of that young girl, as, timid and blushing, but with entire self-possession, she answered the questions put her, and doubt one word of the story—and he must be possessed of an effrontery of which we trust the inquisitors have the monopoly in Massachusetts, not to burn with indignation to think that such things are not only told, but have actually happened. For ourselves, we confess that we were half abashed of the task we had undertaken—*infandum juberet renovare dolorem*—when we found ourselves only *hearing* the brief tale of what those men *did*.

Is there a mother in Massachusetts who can read this recital without a shudder, recollecting that the legislature possesses precisely as much (and precisely as little) power to authorize such an invasion of her daughter's sick chamber, in any house in the State? But we are ashamed to place the disgrace of the affair to the account of want of authority. Where was the courtesy, where was the decency, where was the humanity of these men? Suppose the illness of the girl had been more critical than it was—suppose the superior had not been able to warn her of the approach of the band of inquisitors—who will answer for the result or defend the proceeding? Truly, now at least, and in Massachusetts, "the age of chivalry is gone." A modern Burke might even utter a more bitter lament. Chivalry has gone, and decency and humanity.

B.

STATEMENT OF THE LADY SUPERIOR AND SISTERS.

To the Honorable the "Committee to investigate Charges against the Committee on Nunneries."

Respectfully represent the undersigned, that they have received a notification to appear before your committee at the State House, in Boston, tomorrow morning at half-past nine o'clock. They are not informed of the precise purpose for which they are called upon; but they suppose it has reference to a visit to the school in Roxbury, under their charge, on the 26th ultimo. They are comparative strangers in this part of the country, having resided in the Commonwealth only one year, and having been constantly engaged in their avocation of teachers, and they are not familiar with the laws or usages in such cases, and are ready to obey any lawful summons, and to attend at any proper time and place before the committee. But as the object of the honorable committee can only be to ascertain the truth in relation to the subject of their inquiry, and as the superior of the school will attend before them to answer such questions as may be proposed, they hope that the others may be excused, especially as they deem it proper to give a statement in writing which shall contain the most material facts, and which will be handed to the committee by the superior.

The undersigned have been educated for and have determined to devote their lives to the occupation of teaching. They have been associated for this purpose in Roxbury about one year. They are not nuns; nor is the institution under their charge, in any sense, a nunnery. They are free to go and come as they please, under suitable regulations. Nor are they aware of being under any different restraint in this or any other respect, from the teachers of other private schools in this Commonwealth. Their doors are open to all who desire to enter for any proper purpose. Nor do they desire, or feel the necessity for, any other protection in their avocation than that afforded to all good citizens, by the laws of the Commonwealth. They are Catholics. They have

a daily service in the forms of that church ; but their peculiar belief is not made a part of their instruction to the young under their charge, and their school is open to those of every faith.

The undersigned have under their charge in the house, twelve female pupils, between the ages of seven and fifteen, most of whom are native Americans. They also have charge of a free charity school in the city of Roxbury of about two hundred children, to which any child of any religious faith may enter. This school is remote, and entirely separate from the girls' school in the dwelling-house. In this, the pupils and their teachers reside alone, a man servant having charge of the grounds and residing in an adjoining building.

On the 26th of March, the undersigned were somewhat surprised by the sudden appearance of what appeared to be a large number of individuals, of whose visit they had received no previous notice. They were informed by one of these gentlemen, that they were a committee of the legislature of Massachusetts, and as such desired to enter the house and examine it. Although the number seemed large, and the purpose of the visit was not quite clear, and some excitement was caused in the household, yet no objection was made to their entrance, and they or some of them visited every part of the house, (including the cellar,) with the exception of a closet which happened to be locked, but which contained only linen belonging to the establishment.

It was the wish of the superior to go with the committee, and to point out the various rooms, and to explain their purposes ; but as the number was so large and the house is not a spacious one, some of the gentlemen appeared to make their investigations without her assistance. One of the undersigned was at her devotions in the small room fitted up as a chapel, and not having been notified of the presence of the committee, until they entered there, she may have been somewhat agitated, and endeavored to leave the room by a door which happened to be locked, when one of the committee laid his hand on her shoulder, and desired her to answer certain questions, which she did for a few moments, but declined further conversation in that place, when he followed her into the entry and continued the questions, taking in his hand the rosary suspended from her person, in a manner more familiar than she had ever been accustomed to.

Another of the committee informed one of the undersigned that he had formerly been a Catholic, but had left that Church, to which he hoped to return, and desired to know when he could see her and have a pleasant conversation ; but as the vows of the undersigned confine their efforts to the teaching of young ladies, no appointment could be made for the purpose desired.

The undersigned, although they may have been considerably agitated at first, were not alarmed after the object of the visit and inspection became more clearly understood, and they endeavored to answer every question put to them, and to conduct the committee to every part of the house which they desired to see, the superior remarking that she feared the rooms would hardly be large enough to contain them.

The undersigned desire to state that they have not been instrumental in calling public attention to this subject in any way. The facts were mentioned to their friends, as the event was one of an unusual character in their seminary, and from their ignorance of the manner of conducting such investigations, they may have given it somewhat more attention than would have been by teachers of other schools for young ladies in the vicinity, who are more conversant with the usages of legislative committees.

Nor were the undersigned aware that any mention of the matter was to be made in the public papers, until they saw the article in the Daily Advertiser of Boston. After that article appeared, a gentleman, previously unknown to the undersigned, called at the house and made inquiries respecting it, and was informed that the statements in it were true, with the exceptions, which were pointed out.

The undersigned desire to say in conclusion, that whatever be their legal rights in the premises, they have no wish to exercise them by excluding persons who desire to enter their establishment for any proper purpose.

Still less would they interpose any obstacle to committees of the legislature—always supposing that they will be composed of gentlemen of respect, decorum and reserve; although when they come in large numbers, it is desirable that some previous notice should be given, in order that some gentleman should be present to receive them, and to assist their investigations in a more satisfactory manner than the undersigned were able to do on the recent occasion.

Roxbury, April 9, 1855.

(Signed)

MARY ALOYSIA, *Superior*,
SISTER JULIA,
MARY JOSEPH,
MARY CLEMENT,
SISTER PERPETUA.

SUFFOLK, ss. *April 10, 1855.* Personally appeared Mary Aloysia, and made oath that the foregoing affidavit by her signed, is true.

(Signed)

BENJ'N STEVENS, J. P.

[The two sisters whose names are not appended, were not in the school at the time of the visit.]

C.

CLOSING STATEMENT OF THE EDITORS OF THE DAILY ADVERTISER TO THE COMMITTEE OF INQUIRY.

Before the honorable Committee shall come to their decision on the subject committed to their charge, the undersigned beg leave to submit to their consideration in writing the following points:

I. That in their proceedings on the 26th of March, on occasion of their visit to the school in Roxbury, the committee on nunneries and convents exceeded their lawful and constitutional authority. Whether it be decided that the legislature exceeded its powers under the Constitution in the appointment of the committee, or that the committee exceeded the powers conferred by the order of the two Houses—in either case the committee is responsible, since they ought not to assume the grant of powers which the legislature cannot constitutionally give.

The Constitution, in the Bill of Rights, secures every subject of the State “from all unreasonable searches and seizures of his person, his houses, his papers and all his possessions,”—and declares that “all warrants are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.”

The Committee had no warrant whatever for their proceedings, within the meaning of the Constitution, in the opinion of the undersigned,—and if the order, adopted concurrently by the two Houses, but not, like a bill or resolve, submitted to the Governor for his approval, be considered a “warrant,” then it was obviously void and insufficient for these reasons:—

1. That it was not supported by oath or affirmation.
2. That it was not accompanied by a special designation of place, but was general and comprehensive, authorizing the search and examination of at least a thousand buildings in the State.
3. That it was not accompanied by any indication of the object of the search, or of the things expected to be found: nor could the legislature or the committee have made any such indication in this case, for the reason that there was no ground of suspicion attaching to this school: and (as the result proved) nothing contrary to law was found, nor did any abuse demanding legislative interference prove to exist.

II. The undersigned beg further to direct the attention of the committee to the point that whatever rights and powers the order concurrently adopted by the two Houses of the legislature may have conferred upon the committee on convents and nunneries, was conferred upon the members of that committee alone, to wit:

Messrs. Streeter Evans of Essex County, and
 Gilbert Pillsbury of Hampden County,
Of the Senate, and
 John Littlefield of Foxborough,
 Joseph Hiss of Boston,
 Nathan King of Middleborough,
 Joseph H. Lapham of Sandwich, and
 Stephen Emery of Orange,
Of the House of Representatives—

and such rights and powers were conferred upon these gentlemen and upon none others; and that these gentlemen had no right to delegate their rights and powers, nor to throw the burden of their duties, or any part of such rights, duties and powers, upon any other individuals whatever; and that, accordingly:—

1. The acts of ten or twelve of the persons, one or two of whom were not members of the legislature, who by the evidence brought before your honorable committee, and generally by their own testimony, participated in the proceedings of the 26th—such acts being performed under the color of the authority of the order—were wholly unauthorized by the legislature, or by any other lawful source of authority; and that these individuals are liable to censure for such unauthorized proceedings, and also for assuming to act by virtue of an authority which they did not possess.

2. We respectfully submit further, that the five members of the committee who visited the school on the 26th, by reason of associating with themselves ten or twelve others who were not members, and by admitting them to a participation in all their proceedings, lost their character as a committee, and assumed that of the whole party, which now became not a legislative committee of seven, or five; but a mob or assembly of sixteen individuals, wholly without any pretext of lawful authority for their doings—nor could the sixteen have presented any written evidence purporting to be an authority for these acts, had it been required.

3. We submit that if the gentlemen named on the committee had desired assistance in the discharge of their duties, they should have reported the fact to the two Houses, and requested an increase in their numbers; which they did not do, but undertook by their own act, or by the act of their chairman, or of individual members, to add to the number which the two Houses had thought sufficient.

III. We next beg the attention of the honorable committee to this point, that there was no sufficient particular reason for visiting the school in Roxbury at all, and that the history of the doings of the committee on the day of the visit, as proved to your honorable committee by the abundant testimony of the visitors themselves, shows conclusively that the examination of the school was simply made the pretext or occasion for a pleasure excursion, and that a grave legislative duty was thus transformed into a pleasure frolic at the expense of the State. This is proved by the absence of any especial reasons for visiting this school—the fact that the committee have not visited any other girls' schools in the vicinity, although there are at least one hundred institutions falling within the terms of the order less distant from the State House than the school at Roxbury—the fact that the time occupied in the examination of the school was from fifteen to thirty minutes, as variously testified by different witnesses, while the time spent in discussing a sumptuous banquet at the Norfolk House was from five to ten times as long. We beg attention to the fact further that this banquet was furnished at the expense of the State at a cost, as the undersigned believe, of seventy-two dollars, which was wholly unnecessary, as the distance of the school from the city, and the existence of a regular and fre-

quent public communication between Roxbury and Boston, was not such as to necessitate a dinner out of the city at the State's expense. Further it has been proved to the committee that intoxicating liquors were sold to the State on this occasion, in violation of laws of this State known to all those who purchased such liquors in behalf of the State, and who thus brought upon the law-makers the stigma of themselves violating the laws.

IV. The undersigned beg to direct the attention of the committee next to the point that although no physical force was opposed to the entrance of the committee by the inmates of the house, and although the inmates made no objection to the visit, and aided the visitors to the best of their power in conducting their examination, and in carrying out what they were given to understand was the will of the legislature—yet that such treatment of the visitors by the inmates of the house in no measure justifies the proceedings, nor can it excuse the unlawful and improper nature of the visit for these reasons:

1. That the ladies were made to understand from the communication of the visitors that their visit was authorized by a competent authority, which in fact it was not; so that the visitors cannot be justified in their doings simply on account of the manner they were received by parties acting under a misapprehension of their rights and powers, which misapprehension the visitors had themselves caused.

2. That it is obvious from the number on each side that the inmates of the house could not effectually have prevented the entrance of the visitors. There were five women and twelve children in the house, one of these ill in bed: and the visiting party numbered sixteen or more full-grown men.

V. The undersigned come now to the consideration of the behavior of the visitors after they had obtained entrance into the house; but they beg to submit to the attention of the committee, that, even had such behavior been unexceptionable, yet the visit was improper for the other considerations already mentioned.

Without pursuing the examination of the evidence too closely into details unfavorable to the visitors, we think the following points established, without implying that other points are or are not established:

1. That the conduct of the visitors was such as to terrify the ladies, and caused them to feel insulted. The fact that the visitors or some of them swear that they observed no symptoms of such feelings of fright and insult, simply proves that the ladies were able to retain their self-possession under trying circumstances.

2. That the visitors pursued their examinations into bed-rooms and closets with a revolting freedom and minuteness, which the result proved was wholly unnecessary.

3. That the Chapel was entered, and a lady there disturbed while at her devotions, in a manner which was disagreeable to the religious feelings of the ladies, which feelings were as much entitled to respect as those of ladies of any other religious faith.

4. That the fact that a girl was lying ill in her bed in the house, did not restrain the committee from examining the chambers, or induce them to postpone their visit, or to relax in any respect the rigor of their search.

5. That the fact that the visitors were very courteously received, as testified by nearly all the witnesses, proves that the inmates of the house are truly ladies, and does not prove anything with regard to the conduct of the visitors. Gentlemen may behave very badly, yet ladies into whose presence they have forced themselves need not necessarily forget their own character also.

In view of these facts the undersigned feel confident that your honorable committee will not, on a careful review of the subject, pronounce that the conduct of the Committee on Convents and Nunneries on the occasion referred to was proper and unexceptionable; or that the article in the Daily Advertiser of the 31st ultimo was without substantial foundation in fact.

The order under which your honorable committee act speaks of "charges and imputations" made in the Daily Advertiser of the 31st ultimo. There are no specific charges made in that article; and the two Houses of the legis-

lature in appointing your honorable committee must accordingly be presumed to have desired an investigation of the facts in the case, so far as might be necessary to show whether there was a sufficient justification of the article. The narrative in the article is introduced by an express admission that "It may be that there are exaggerations and mistakes in the account,"—and again it is stated, "make any allowance you please for exaggerations in the story, which may have been caused by the natural fears of the terrified witnesses," that is, the inmates of the house, on whose evidence the article was based, and by whose testimony before the committee, we submit that its statements are sustained.

The undersigned presume that your honorable committee will give the article a careful review in connection with the evidence, with a view of ascertaining whether, on the whole, the proceedings of the committee were or were not such as to justify newspaper comment of the nature and degree of severity of that employed by the undersigned in their paper on the recent occasion.

It only remains for the undersigned to thank your honorable committee—so far as befits them—for the patience with which they have conducted this laborious examination. They beg to remark, however, that while they have attended, in answer to the summons of the committee on the present occasion with pleasure, and shall always hold themselves in readiness to comply with any reasonable requirements of any public official personages or bodies, they wish to put on record the fact that they do not admit that the Press is in any way responsible to the legislative department of the government; but they hold that the conductors of public journals, like other citizens, are amenable only to the laws as administered by the ordinary tribunals of justice; and that on an occasion (should any such unhappily arise in the future) when the undersigned should believe that obedience to the summons of a committee of the legislature would be inconvenient, or would be on the whole prejudicial to the public welfare, or would be for any other reason unadvisable on the part of the undersigned, they should decline to answer such summons; and they are not aware of any means by which a committee of the legislature could enforce their summons; nor are they aware how the committee or the legislature could punish any conductor of a public journal for such refusal to appear, or for using any language in his journal offensive to the legislature, otherwise than by means of the ordinary tribunals of justice.

Respectfully submitted to the Committee,

(Signed)

NATHAN HALE.
CHARLES HALE.

Boston, April 12, 1855.

D.

REPORT OF THE COMMITTEE OF INQUIRY.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, }
April 17, 1855. }

The Joint Special Committee who were appointed and empowered to investigate the conduct of the Committee on the petition of E. P. Carpenter and others, and the charges and imputations against that Committee, contained in the Boston Daily Advertiser, have attended to the duty assigned them, and accordingly submit their final REPORT:—

The right of the people to protect their houses against unlicensed invasion has never been denied in any free state. Whatever power the government and its servants may exercise over the liberty, the property, or the lives of the inmates thereof, the dwelling-houses of the subject have ever been accounted sacred. This indeed would be the fact in the absence of any con-

stitutional guaranty, securing such repose and exemption from search. But in this Commonwealth we are not driven to the principles of the common law, nor to the ancient liberties of the English realm, to find authority for the doctrine we now state, which is, indeed, among us, common knowledge. But it is a security largely prized by the people of this Commonwealth and all of the American States. Warned by the aggressions of despotic power across the sea, the fathers of our political system determined to throw a shield, that never could be penetrated or removed, over the rights of the people here. Accordingly, we find in the Constitution of the United States, these words :—

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

In the same instrument the government disarmed itself of a power, often oppressively exercised in less liberal states, of quartering its soldiery in the houses of the citizens in the time of peace, and in war it is only to be done by prescribed law. The framers of the fundamental law of Massachusetts energetically echoed these well-considered words of the Federal fathers, and they went one step further by declaring “that no warrant ought to be issued but in cases and with the formalities prescribed by the laws.”

Thus it is seen that these things must conspire, before any person, whether magistrate, legislator, or other civil officer, can legally invade the domain of private life :—

First—The search contemplated must be reasonable according to existing facts.

Second—The search being reasonable cannot be authorized, unless an oath or affirmation has given its solemn sanction thereto.

Third—There must also be a special designation of the place suspected, which it is proposed to search.

Fourth—And all the stately formalities of the law must be added to these strong guards already raised around the rights of the citizen.

Thus did Massachusetts, not yet safely escaped from the danger of a foreign master, but still lingering in the furnace of the Revolution, endeavor to protect the subject from all possible aggressions of power. Thus did she establish and guard the rights of the people, crippling, even at that early day, the energy of a free and elective legislature, lest it might, from some unforeseen wickedness or error, become, in time, exacting and oppressive.

Institutions of moral and religious instruction and mental cultivation have been and are alike protected by the laws. Far back even in the early twilight of reliable history, when the best ideas of civil polity were rude, the temples of religion were scrupulously guarded against being profaned. Among the Saxons, from whom we are remotely descended, nothing was visited with severer penalties than an inroad thereupon.

It is also clear that in America, the government has never presumed to interfere with the religious belief or rights of its subjects. The parish of John Robinson has extended through an interval of time reaching from 1620 to this hour; and over an expanse of territory in our land from Plymouth Rock, on the farthest edge of the Atlantic slope, to the Pacific sea, on the other side of the continent. The rights this parish came here to secure have everywhere been enjoyed in their fullest sense.

“The liberty of the press is essential to the security of freedom in a State; it ought not, therefore, to be restrained in this Commonwealth.” These are the words, at once an argument and a guaranty, in which the fundamental law of Massachusetts encourages and protects an independent and untrammelled press.

And indeed, it is in these three pillars—the sanctity of the household, the freedom of thought and worship, and the liberty of the press, that the people of America recognize three all-powerful supports of freedom.

In the light shed by a recurrence to these fundamental and familiar truths, let us advance to the labor cast upon us by the order under which we act.

In the exercise of the right guaranteed fully by the law, the Boston Daily Advertiser disclosed reputed conduct on the part of a committee of the Senate and House. We were appointed to ascertain whether the conduct alluded to was such as it was said to be. It was no part of our duty (nor had we the power, nor could the legislature confer it upon us,) to interfere with the editor or the printer. They have the right to remark upon the legislature, its committees and its acts, with as much freedom and severity as they see fit to employ, accountable only to the tribunals of justice established by law, and a healthy public sentiment, often stronger than positive law. With that right we would not meddle if we could. Its exercise should rather be encouraged than rebuked. Inasmuch as the press, oftener and more efficiently than any other power, gives expression to the complaints and wishes of the people, its voice should never be stifled. And more especially should it make its power felt, if there be in public life misconduct or corruption. We, therefore, have given our attention solely to an examination into the conduct of the committee. In that examination we have had the assistance of the editors of the Advertiser, who, although declining to give us the name of their immediate informant, gave us the authorities upon which the article was principally founded, and who evinced a desire to aid us in discovering the truth.

Now upon these premises we would call attention to the more material facts connected with the matter before us, and the examination can best be carried forward by following the transactions in the order in which they have occurred.

On January 22, Mr. Littlefield of Foxborough presented in the House of Representatives the petition of E. P. Carpenter and others, the material part whereof was the following:—

“The undersigned petitioners believing that ‘no person should be deprived of liberty without due process of law,’ and believing, also, that in certain institutions within this State, known as convents, nunneries, or by whatever name they may be designated, persons who once enter them and take upon themselves certain vows are forever debarred from leaving them, however much they may desire to do so; and believing also that acts of villany, injustice and wrong are perpetrated within the walls of said institutions with impunity, as a result of their immunity from public inspection: therefore your petitioners earnestly and respectfully pray your honorable bodies to enact such a law as will bring all such institutions under the inspection of the civil authorities of the State.”

On motion of Mr. Littlefield, the petition was referred to a joint special committee, the Senate concurred in this reference, and there was clearly no impropriety in this action. The petition was respectful in its terms. It was, therefore, entitled to a respectful reception. Respectful heed, also, was due, and ought to be given, to its statements and its prayer.

But now, having this petition in charge, the committee had an important duty to perform. They became the “eyes and ears,” in a certain sense, of the body that created them, and upon their action were, in a large measure, to depend the important rights of all parties concerned in the matter before them. It was a duty requiring considerate action.

The Committee had also in charge an order of the House, introduced therein by Mr. Hiss of Boston, asking substantially for the action prayed for in the petition we have quoted. The committee made no report, and, so far as is known to us, took no particular action until February 15th, when the Chairman thereof, Mr. Littlefield of Foxborough, introduced in the House of Representatives the following order:—

“Ordered, That the joint special committee on the inspection of nunneries and convents, be authorized and instructed to visit and examine such theological seminaries, boarding schools, academies, nunneries, convents, and other institutions of a like character, as they may deem necessary, to enable them to make a final report on the subject committed to their consideration.”

It is not quite clear how the committee came to be styled, as it is in the above order, the joint special committee on the inspection of nunneries and convents, because it was raised in the manner and for the purpose we have already seen. It is apprehended that the House and Senate in ratifying the reference that was suggested, of the petition of E. P. Carpenter and others, scarcely supposed that the committee became a committee of inspection. And it is to be observed further, that this order was acted upon in the House and Senate during the morning hour, usually set apart for and consumed in the presentation and reference of petitions, and papers of like character, and in the transaction of merely formal, but still very necessary and often important business. It is also well known that the action of committees, in matters like that we are discussing, is generally ratified by the two Houses without objection and without debate. The two branches of the legislative department certainly ought to have such confidence in their committees, as to believe that they would not ask for opportunities to attain light where it was not absolutely called for. If, accordingly, a committee asks for leave to send for persons and papers, or to visit a public institution, or a railroad, or for any other similar power, the legislature usually at once accedes to the request. Consequently the above order was adopted. No member, either present at the time of its adoption or as he read it in the official proceedings on the subsequent day, supposed that the legislature had by its action authorized the illegal invasion of bed-rooms, or the desecration of temples and altars. No reasonable being believed that therein lurked a license to an inquisition like that of ancient Spain. The most careful legislator scarcely saw in that order a commission to the gentlemen comprising the committee to traverse the Commonwealth from end to end, prying into the internal arrangement of private schools and boarding houses out of mere curiosity, stimulated though it might be by rumors of a character calculated to alarm, but unsupported by the sanctions required by the law. No man, clearly, foresaw that it was a warrant, to be executed at the expense of the Commonwealth, to authorize an invasion of premises wherein no reproachful conduct had been committed, calling for the exercise of whatever reserved power may be supposed yet to slumber in the legislative arm. It is equally clear that no stickler for legislative propriety and virtue could foresee that it would be construed as a license to go on excursions of discovery or pleasure in the name and at the charge of the Commonwealth, accompanied by a retinue more numerous than the original committee.

"I have misused the king's press damnably," said Falstaff, in the road before Coventry. Would it not, in the absence of any usage to support it, be a like misuse of the order we have quoted, to interpret it into a license for enrolling into an investigation committee a larger number of gentlemen than was contemplated by the appointing power? In saying this, the undersigned intend no expression of opinion respecting the right or propriety of any committee to invite friends to accompany them at the expense of the State, on ordinary official excursions. There has grown up, in time past, a practice of that kind.—There are abundant precedents of similar conduct. These precedents afford a mantle broad enough to cover almost any case that may now arise. "But to my mind,—though I am native here, and to the manner born,—it is a custom more honored in the breach than the observance."

But the unburied ghosts of Barker Burnell and McNulty, formerly clerk of the United States House of Representatives, haunt one oppressively who too closely criticises the irregular conduct of men in public life. And these ghosts, moreover, will not down at our bidding. The "riotous living" of committees of previous years, and the orgies, particularly attendant upon the reception and entertainment of the illustrious Hungarian patriot, and the memory of legislators who have been imperilled by armed women, warn us not to censure too sharply. But the edge of the precedent is somewhat dulled, candor compels us to say, in its application to the well-known facts of the case we have been investigating. The order we have quoted should certainly have been construed with a strictness that would exclude supernumeraries. It contemplated a visit

to institutions, the repose of which ought not to be disturbed by an army of visitors at once, preceded by no herald, and entered by no invitation. And it is apprehended that the legislature hardly supposed, when the order passed, that it would be extended beyond what has herein already been indicated. The undersigned, therefore, think that the legislature, under the circumstances, could hardly, with decent respect to the committee, refuse their request contained in the order above. And to this conclusion we have arrived, because we think that no committee would make the request without good reason, and that when armed with the plenary power it confers, would exercise it in a manner consistent with a high regard for their character and responsibility as legislators, and a careful and considerate respect for the rights of the persons interested in the institutions to be examined, as well as for the proprieties of life.

Two matters only, therefore, now remain to be discussed: *First*. What was the occasion for asking for this power in the first instance? *Second*. How did the committee discharge the duties cast upon them by the order?

We now append our views upon each branch of the inquiry in the order above set forth:—

Touching the first point, we have less knowledge than we desired. But the fault is not ours. We sought it, but it was withheld. At the close of the hearing, we gave an opportunity to any gentleman of the committee to make any statement he desired. Some of them expressed a willingness to answer any questions that might be propounded. Among the rest, the chairman of the committee on the part of the House volunteered a statement. But he declined to state upon what reasons the committee acted in asking for the power of visitation. He considered it his right and duty to withhold the information until the final report is made to the legislature from his own committee. It is possible he is right in the view he takes of his duty, but it seemed to us that having volunteered his testimony, which he said should be a history of the whole matter, and having expressed a willingness to answer such queries as might be propounded, that it was hardly proper to withhold facts which seem to bear directly upon the motive and purpose of the visit to Roxbury. But we did not feel authorized to pursue the inquiry against the objection of the chairman of the committee. But from all that was discovered in the hearing, we are strongly led to infer that no witnesses had, under oath, previously to the 15th day of February, deposed before the committee to any such impropriety or iniquity, from actual knowledge, as to call for such "extreme medicine," as a necessity, as the committee proceeded to administer. It is so left before us that we apprehend rumors and statements were the foundation upon which the order was reported. These statements and rumors, moreover, it is believed, were general, and as applicable to one Catholic school as another, and not specifically precise and in a peculiar sense reaching the school at Roxbury. And it seems to us that men engaged in the duties of legislation, and dealing with the solemn verities of life, and doing acts that may affect private feeling if not private and common right, and at any rate acts that must lead to public discussion, ought to proceed with most guarded caution, making sure of firm ground whereon to stand, and never venturing upon that which is shaky and tremulous. They who execute the laws should stop "the vent of hearing when loud rumor speaks." But on this part of our inquiry we can only report hypothetically. If the order was reported, and the power it confers, sought on testimony, or actual facts known to the committee, showing that iniquity existed which could not be reached by existing laws, and that an examination was a necessity, it would, in the judgment of the undersigned, afford a justification for calling for the power. But if, on the other hand, the power was asked without such reasonable cause as we have described, it seems to us irregular and improper that the Commonwealth should sustain so great an expense as the committee has occasioned, and that the places visited, which are so sacredly protected by our laws, as the dwelling-houses wherein we live, should be exposed to so public and violent a supervision as attaches to them by the reason of this visit. But if the committee erred herein, it was the common case of an error of judgment, to which the wisest and best of mankind

are at all times exposed. And whether or not even an error of judgment has been committed, can only be seen by the House and Senate upon perusal of the final report of the committee, which will, probably, disclose at length the grounds upon which they acted.

Upon the last branch of your inquiry, we have more full and exact information.

And here, again, recurred the query, "*What went ye out for to see?*" To this, various answers were returned. Some of the visitors were attracted by curiosity; some went because invited, some were citizens of Roxbury, and therefore curious to discover what was done in their city, and others were there for no assignable cause. But the committee, beyond hinting at the rumors before alluded to, of an entirely general character, gave us no light to aid us in this inquiry. And perhaps it ought here to be said that though several citizens of Roxbury were examined before us, none of them disclosed any enormities or wickedness as having been committed at the institution visited. But we must await the report of the committee, in order to be fully possessed of this part of the case.

The examination of the testimony in respect to the Roxbury visit, was lengthy and laborious. The results attained by it are sure, so far as it is material, in the following points:—

1. The committee visited the school at Roxbury, on March 26th, about noon, taking with them, in two omnibuses, about ten or twelve persons, members of the legislature, with one or two exceptions.

2. They spent from twenty to thirty minutes in examination of the school, and then repaired to the Norfolk House, and partook of a dinner, which had been previously ordered—consuming thereat, besides the dinner and a small quantity of champagne, some two or three hours of time.

3. The party were not denied admission at the school, but were politely received by the persons in charge of the same. We are satisfied that the committee never intended to enter the school against the wishes of the inmates. But the ladies in charge claim that they were admitted for the reason that they supposed they came armed with right and power to enter.

4. There is no evidence that the committee (save, perhaps, a single member thereof) or any of the visitors, intended any rudeness or impropriety of conduct while at the institution.

5. There was testimony tending strongly to impeach the conduct of Mr. Joseph Hiss, a member of the committee, but which in no manner involved the rest of the committee, or the visitors who accompanied them.

6. There was a complaint on the part of the inmates of the house, that the conduct of the party was offensive, by reason of approaching too closely the bedside of a sick pupil.

7. Without intending to say that all the inferences and comments and facts stated in the article in the Daily Advertiser are true, the undersigned deem it due to truth and candor to say, that there is evidence sufficient to show that the article was written by the editors of the Advertiser, supposing that it was in the legitimate exercise of their rights as conductors of a public journal.

8. It is proper to say that, though it is claimed by the inmates of the house, we do not find, upon the whole, evidence before us, that terror was created in the house by the visitors; that the chapel was rudely invaded, or that any displeasure, known to be such, was exhibited by the inmates at the time.

With a few words upon some of the above points, we shall close this report.

1. We have already intimated our opinion touching the fact that a large number of persons accompanied the committee. The precedents, we think, are scarcely broad enough to cover this case. And it is clear, that it is not of that character that should be enlarged by construction. If this were *res integra*, we should report more strongly.

2. The dinner at the Norfolk House, if it can be extenuated at all, is defensible only by the precedents. We make no doubt cases of a similar character have occurred before. But whenever brought to the knowledge of the legisla-

ture, they should be sharply rebuked. And what makes the present a remarkable case, is the fact that liquors, which are outlawed by the statutes of Massachusetts, were purchased by the Commonwealth's own funds, and drunken by her servants. A precedent may mitigate this act. It scarcely can justify it. It is setting a bad example before the State. It is the Commonwealth breaking the laws she asks her children to respect and keep. "Though it make the unskilful laugh, it cannot but make the judicious grieve." It is not simply the common case of Satan rebuking sin; it is all the lower legion joining in the condemnation thereof: if the rulers of the State thus trifle with her laws, how sad must be the effect upon the general heart! This is the reply of the liquor seller and the drunkard to the Commonwealth:

Do not, as some ungracious pastors do,
Show me the steep and thorny way to Heaven;
Whilst, like a puffed and reckless libertine,
Himself the primrose path of dalliance treads,
And recks not his own read.

3. The matters respecting Mr. Hiss are before another committee. We would neither prejudice nor prejudice him. We therefore purposely omit all comment upon his conduct.

4. The charge of rudeness in relation to the sick pupil stands thus: the visitors were necessarily near the bedside. Her eyes were closed, and she might well be mistaken as to the facts of which she speaks. We do not think the rudeness, as claimed in her testimony, is fully established; nor do we at all impeach or doubt her truthfulness; but think the whole is explained on the ground of honest mistake.

We now close this report. We suggest no action. As we understand our powers, we are appointed to *investigate* only. We have performed the unwelcome task fearlessly, "without fear, favor, affection, or hope of reward." We have done the work with which we are charged. The result is herein disclosed.

J. Q. A. GRIFFIN, *Chairman.*

S. W. ROBINSON,

J. E. DAWLEY,
Of the Senate.

DAVID WILDER, JR.,

D. E. CHAPIN,

JOHN A. FITCH,

D. N. GOFF,
Of the House of Representatives.

[This report was accepted, without debate or objection, the same day that it was presented to the House; but two days afterwards this vote was reconsidered, and on the same day, the special committee on the conduct of Mr. Hiss made a report exculpating him. An excited debate arose, and the subject was referred to a new committee, with instructions to investigate Mr. Hiss's conduct while engaged in the discharge of official duties on committees. This new committee reported on the 8th of May that Mr. Hiss's conduct at Roxbury was unobjectionable, but that on account of his conduct at Lowell, he was "unworthy longer to occupy a seat on the floor of this House." This report was accepted; and at the session of the 10th of May, Mr. Hiss was expelled by a vote of 137 to 15.]

E.

TRAVELLING EXPENSES OF COMMITTEES OF THE MASSACHUSETTS LEGISLATURE FROM 1850 TO 1855, INCLUSIVE.

[From the accounts in the Auditor's Office, at the State House.]

1850.

Committee on public charitable Institutions:

J. M. Earle,	\$13 10
J. Preston,	85 45—98 55

Committee on Probate and Chancery:

Visiting Salem and Ipswich:	16 81
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Committee on Prisons:

Visiting Dedham, Worcester, Westborough, Quincy and Fitchburg,	65 87
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Total expenditures of the year 1850,	\$181 23
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1851.

Committee on Education:

Visiting Normal Schools at Newton and Bridgewater,	24 00
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Committee on Public Charitable Institutions:

Visiting Hartford, Worcester and Westborough,	103 65
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Total expenditures of the year 1851,	\$127 65
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1852.

Committee on Public Charitable Institutions:

Visiting said Institutions,	99 30
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Total expenditures of the year 1852,	99 30
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1853.

Committee on Public Charitable Institutions:

Visiting East Cambridge, Worcester, Hartford, Taunton, West- borough and Ipswich,	113 10
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Total expenditures for the year 1853,	\$113 10
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1854.

Committee on Public Charitable Institutions:

Visiting Hartford, Worcester, Monson, Taunton, Bridgewater, Ipswich and Westborough,	64 95
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Committee on Prisons:

Visiting Worcester, Springfield, Pittsfield and Lenox,	75 55
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Total during session of 1854,	\$140 50
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The Committee on Prisons, after the close of the session of 1854, visited, by order of the Legislature, the prisons of Boston, Charlestown, Cambridge, Concord, Dedham, Lowell, Lawrence, Salem, Ipswich, Newburyport, Taunton, New Bedford, Nantucket, Barnstable, Plymouth and Northampton. Their bill was as follows:—

Railroad and stage fares, six persons,	190 80
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Hotel bills, including one dollar for an "extra dinner" and "sundries,"	116 20
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Pay of 6 members 14 days—84 days at \$3,	252 00
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Total after the adjournment in the year 1854,	\$559 09
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1855.

Committee on Nunneries (Worcester),	\$99 90
The same Committee, (Roxbury and Lowell),	120 00
Committee on Courts in Berkshire County,	293 72
Committee on Prisons,	51 00
The same Committee, another bill,	152 00
Committee on Public Charitable Institutions, first bill,	88 89
The same Committee, another bill,	234 45
Committee on Fisheries (visiting Lawrence to view the dam of the Essex Company,)	13 50
Committee on Courts in Essex County,	17 50
Total in 1855 to April 20,	<u>\$1070 96</u>

Recapitulation.

During the session of 1850,	\$181 23
“ “ 1851,	127 65
“ “ 1852,	99 30
“ “ 1853,	113 10
“ “ 1854,	140 50
“ “ average,	132 35
“ “ 1855, to April 20,	1070 96

Items of the expenses of the visits of the Nunnery Committee, 1855, as ascertained by evidence before the Committees.

Omnibuses to Roxbury and back—the regular fare for five gentlemen (the number of the committee who went) would have been 62½ cents; the State however paid,	\$15 00
Dinner at the Norfolk House—the regular charge for five gentlemen would have been \$3 50; the State paid, however, \$3 a plate for twenty gentlemen, making,	\$60 00
And also paid for champagne, the sale of which is prohibited by the laws of the State,	8 00
And for other liquors about,	2 00
And other extras,	4 00
Total cost of the dinner at Roxbury,	<u>74 00</u>
Four only of the committee went to Lowell. Their regular fare thither and back would have been \$6. The State appears to have paid for eight,	12 00
Six of the gentlemen of the party lodged at the Washington House, besides one woman, answering to the name of Mrs. Patterson, for whose board and lodging the State paid, making seven at \$1 25 each, or	8 75
Wine and gin consumed by members of this strong Maine Law Legislature,	5 00
Other incidentals at the Washington House,	1 00
Hack-hire of the committee in Lowell,	4 00
Balance of incidental expenses which Mr. Hiss paid, not especially accounted for,	<u>25</u>
Total paid by the State,	<u>\$120 00</u>

Besides the above, the Worcester visit cost the State \$99 90.

Total cost to the State of the three visits, \$219 90.

F.

NAMES OF THE NUNNERY COMMITTEE,

And of the Party that visited Roxbury, as far as ascertained; with their residences, occupations, places and dates of birth, from Poole's Register.

THE NUNNERY COMMITTEE.

Senators.

Streeter Evans of Salisbury, teacher, born in Salisbury, March 4, 1822.
Gilbert Pillsbury, of Ludlow, teacher, born in Hamilton, Feb. 23, 1812.

Representatives.

John Littlefield, of Foxborough, dentist, born in Milton, April 14, 1824.
Joseph Hiss of Boston, clothier, born in Baltimore, Md., April 3, 1826.
Nathan King of Middleborough, manufacturer, born in Taunton, Nov. 13, 1813.
Joseph H. Lapham of Sandwich, book-keeper, born in Boston, April 15, 1821.
Stephen Emery of Orange, lawyer, born in Winchendon, Feb. 18, 1788.
[Messrs. Littlefield and Lapham did not visit the school at Roxbury.]

OTHER MEMBERS OF THE VISITING PARTY.

Senator.

J. E. Carpenter of Foxborough, merchant, born in Foxborough, Jan. 30, 1829.

Representatives.

Abner Holbrook of Weymouth, manufacturer, born in Weymouth, March 11, 1811.
A. E. Stetson of South Scituate, physician, born in Braintree, May 2, 1826.
William R. Penniman of Braintree, housewright, born in Braintree, Oct. 19, 1820.
John W. Langdon of Wilbraham, farmer, born in Wilbraham, June 14, 1808.
S. D. Warriner of West Springfield, farmer, born in West Springfield, Feb. 11, 1817.
Jerre Miller, of Ludlow, merchant, born in Ludlow, Nov. 28, 1807.
S. A. Bradbury of Boston, editor Daily Bee, born in York, Me., April 15, 1817.
George F. Williams of Boston, merchant, born in Boston, May 8, 1817.
William B. May of Roxbury, broker, born in Roxbury, Nov. 16, 1819.
Joseph H. Streeter of Roxbury, physician, born in Springfield, Vt., July 11, 1820.
Jerahmeel C. Pratt of Roxbury, machinist, born in Dunstable, Dec. 7, 1806.

Not Members of the Legislature.

Asa Wyman, an Alderman of Roxbury.
W. D. Cook, Chief of Police of Roxbury.

Tctal, 19. The presence of all these was sworn to, except Mr. Miller.
Others may have been present likewise.

BOSTON, May 15, 1855.

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